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PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972

SENATE RESOLUTION 60

EXECUTIVE SESSION HEARINGS

BEFORE THE

SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

OF THE

UNITED STATES SENATE

NINETY-THIRD CONGRESS

SECOND SESSION

WATERGATE AND RELATED ACTIVITIES

The Hughes-Rebozo Investigation and Related Matters

WASHINGTON, D.C., JUNE 10, 11, 12, AND 14, 1974

Book 24

Printed for the use of the
Select Committee on Presidential Campaign Activities

FRANKLIN PIERCE LAW CENTER
Concord, New Hampshire 03301

ON DEPOSIT JAN 29 1975

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(Established by S. Res. 60, 93d Congress, 1st Session)

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[Executive session hearings released to the public after the filing of the final report of the Senate Select Committee.]

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NOTE.—Figures in parentheses indicate page that exhibit was made part of the record.

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972

THE HUGHES-REBOZO INVESTIGATION AND RELATED MATTERS

MONDAY, JUNE 10, 1974

U. S. SENATE,
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES,
Washington, D.C.

The Select Committee met, pursuant to notice, at 2:25 p.m., in room S–334, Dirksen Senate Office Building.

Present: Senator Weicker.

Also present: Terry F. Lenzner, assistant chief counsel; Richard L. Schultz, assistant minority counsel; R. Scott Armstrong, Carmine Bellino and Lee Sheehy, investigators.

Mr. ARMSTRONG. This is a continuation of the executive session we began this morning before Senator Weicker.

Mr. Wakefield, could we have your name and address for the record?

Mr. WAKEFIELD. Thomas H. Wakefield, 5201 Southwest 101 Street, Miami, Fla.

Mr. ARMSTRONG. Am I correct in understanding you have a statement you'd like read into the record?

TESTIMONY OF THOMAS H. WAKEFIELD, ACCOMPANIED BY MARION SIBLEY AND ROBERT C. WARD, COUNSEL

Mr. WAKEFIELD. Yes. I have been served with a subpena duces tecum, requiring me to appear before this committee and to bring with me certain records of my clients.

I have considered my responsibility to my clients and my obligations to comply with the subpena. And in the examination, pursuant to my appearance here before the committee, I reviewed the rules of professional responsibility relating to the legal profession in the State of Florida, where I'm licensed to practice law, and as the same, I have been promulgated and approved by the Supreme Court of Florida, on June 3, 1970.

As a lawyer, I am bound by Canon No. 4, the code of professional responsibility, which states simply that a lawyer should preserve the confidence and secrecy of his client.

Since the right of confidentiality and nondisclosure is the client's, not mine, as an attorney I feel compelled upon the advice of my associate counsels, Mr. Sibley and Mr. Ward, to advise the committee that I will, at every appropriate time, decline to answer questions regarding the affairs of my client.

And I might add, as one of the persons mentioned in my subpena is Mr. Charles G. Rebozo, that I have for many many years been Mr. Rebozo's attorney, generally, and he has consulted me as attorney and client about many many things, both business and personally.

Mr. ARMSTRONG. In order that the record be clear, Mr. Wakefield, in regard to the subpena duces tecum, which you referred to, the clients

with whom you have an attorney—you feel you have an attorney/client relationship with Mr. Rebozo. Is there anybody else?

Mr. WAKEFIELD. And Richard M. Nixon.

Mr. ARMSTRONG. Do you have any records relating to any of the other individuals mentioned on the subpena?

Mr. WAKEFIELD. No.

Mr. SIBLEY. Personal records.

Mr. WAKEFIELD. Oh, I meant—I thought you meant with reference to people. I brought my personal records concerning contributions to the campaign, under item 4.

Mr. ARMSTRONG. Do you have any records for F. Donald Nixon, Edward Nixon, and for Rose Mary Woods?

Mr. WAKEFIELD. No, I have none of their records.

Mr. ARMSTRONG. You have no records pertaining to those individuals?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Do you have any records relating to Charles Gregory?

Mr. WAKEFIELD. No. My only knowledge of that name is that it is a traveling name of Mr. Rebozo's.

Mr. ARMSTRONG. And do you have any records to present under item 4?

Mr. WAKEFIELD. Yes; I believe those—my personal——

Mr. WARD. Mr. Armstrong, for the purpose of the record, and so, we didn't get it on. In order to get the record clear, could we establish that Mr. Wakefield is a lawyer, practicing in Florida? The question wasn't asked or answered. I think it is an assumption we all have made, but it isn't on this record.

Mr. ARMSTRONG. Are you a member of the Florida bar?

Mr. WAKEFIELD. Florida bar.

Mr. ARMSTRONG. How long have you been a member of the bar?

Mr. WAKEFIELD. Since 1946.

Mr. LENZNER. And how long have you represented Mr. Rebozo?

Mr. WAKEFIELD. Over 20 years—22 years.

Mr. LENZNER. And President Nixon?

Mr. WAKEFIELD. Some time in the middle of the 1960's, maybe 1966 or 1967.

Mr. LENZNER. You've represented him personally in your various firms?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. In response to the subpena, Mr. Wakefield has presented three checks, drawn on the Thomas H. Wakefield—two drawn on the Thomas H. Wakefield-Betty B. Wakefield account, Key Biscayne Bank, checks No's. 265 and 266, both dated October 17, 1972, in the amounts of $15 and $250, respectively, both made payable to the Finance Committee To Re-Elect the President. And a check No. 434, on the Thomas H. Wakefield account at the Key Biscayne Bank & Trust Co., to the Florida Finance Committee To Re-Elect the President, dated September 5, 1972, in the amount of $1,000.

Mr. LENZNER. Let's have those marked 1–A, 1–B, and 1–C, if that's all right with counsel.

[Whereupon, the documents referred to were marked Wakefield exhibits Nos. 1–A, 1–B, and 1–C, for identification.[1]]

Mr. WAKEFIELD. In response to paragraph 4 of my subpena, I found I had a small file set up on the reelection of the President, in which there are receipts for these checks and correspondence with respect to a luncheon that was held.

Mr. ARMSTRONG. We will—OK, we'll have this marked as exhibit 2.

[Whereupon, the documents referred to were marked Wakefield exhibit No. 2 for identification.[2]]

Mr. ARMSTRONG. Mr. Wakefield, can you tell us how long you've known Mr. Rebozo?

Mr. WAKEFIELD. I have known him since I was in junior high school, 13 years old.

Mr. ARMSTRONG. Can you tell us when you first had any business, professional, or financial relationship with Mr. Rebozo?

Mr. WAKEFIELD. We started attorney-client relationship, I believe, 1951 or 1952.

Mr. ARMSTRONG. Can you tell us if you are also an officer, a stockholder, or counsel for the Key Biscayne Bank & Trust Co.

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. All of those?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. What office do you hold in the corporation?

Mr. WAKEFIELD. Vice chairman.

Mr. ARMSTRONG. And you so hold office in the Fisher's Island Corp.?

Mr. WAKEFIELD. Yes, the secretary of Fisher's Island.

Mr. ARMSTRONG. Are there any other corporations of which you are officer or stockholder in which Mr. Rebozo has an interest?

Mr. WAKEFIELD. Yes. Monroe Land Title Co., I am secretary. I am an officer in two subsidiary corporations for Fisher's Island—Cocolobo Key, Inc., and Harbor Terminal, Inc. I was an officer in the Wash Well, Inc. I think within this timeframe of the subpena, those are the only ones that I'm connected with, to my recollection.

Mr. ARMSTRONG. Are you an officer of Shamco?

Mr. WAKEFIELD. Yes, I am.

Mr. ARMSTRONG. What office do you hold there?

Mr. WAKEFIELD. President.

Mr. ARMSTRONG. Mr. Rebozo owns half of the stock of Shamco, is that correct?

Mr. WAKEFIELD. He and Mr. McCrae.

Mr. ARMSTRONG. Approximately equally?

Mr. WAKEFIELD. I believe so.

Mr. WARD. Let the record show that the questions here are relating now that you're asking Mr. Wakefield with relation to the corporate status. We have established that he is a president of a corporation, an officer and any information he is giving you, is as an officer of the corporation and not in any capacity as an attorney-client.

Mr. ARMSTRONG. Are you also an officer in the Cocolobo Key, Inc.?

Mr. WAKEFIELD. I could have been, Mr. Armstrong.

Mr. ARMSTRONG. And Mutual Acceptance, Inc.?

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[1] See p. 11346.
[2] See p. 11347.

Mr. WAKEFIELD. I could have been. These companies have been inactive for many, many years.

Mr. ARMSTRONG. Are there any other business or financial relationships that you have with Mr. Rebozo, other than as an officer of, and costockholder or counsel for any of those corporations?

Mr. WAKEFIELD. I have had business relationships, yes.

Mr. ARMSTRONG. Can you describe those for us, sir?

Mr. WAKEFIELD. We have owned real estate together on two different matters, and others. I acted as attorney for others and myself, in connection with the handling of Adams Key or Cocolobo Key for some time. And I've acted as attorney and had a self-interest in a piece—a parcel—of land on Key Biscayne.

Mr. ARMSTRONG. Excuse me, a parcel of land?

Mr. WAKEFIELD. Yes, a parcel of land on Key Biscayne.

Mr. ARMSTRONG. In which Mr. Rebozo also has an interest?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Can you tell us the location of that parcel?

Mr. WAKEFIELD. We no longer have it. It's across the street from Key Biscayne Bank, south.

Mr. ARMSTRONG. But it is immediately across the street?

Mr. WAKEFIELD. Yes. It is now owned by the bank.

Mr. ARMSTRONG. Is there a gas station across the street? I'm trying to picture it.

Mr. WAKEFIELD. No, the gas station is on the east end of the block. This is a vacant lot at the west end.

Mr. ARMSTRONG. And when was that property sold, sir?

Mr. WAKEFIELD. Probably in 1970—1969–70.

Mr. ARMSTRONG. And the two pieces of real estate that you have mentioned, are those the two pieces—are they the two real estate ventures you are talking about, Adams Key and a parcel of land across from the bank?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. There are no other real estate ventures you've been in joint?

Mr. WAKEFIELD. No. Except I said I was a stockholder in Fisher's Island.

Mr. ARMSTRONG. Do you hold the power of signature jointly with Mr. Rebozo on any bank accounts?

Mr. WAKEFIELD. Key Biscayne Bank, I believe I'm on their correspondence account.

Mr. ARMSTRONG. That is in your capacity as an officer?

Mr. WAKEFIELD. Yes, as an officer. And I was a joint signator on one other account.

Mr. ARMSTRONG. Can you tell us the name of that account, sir?

Mr. WAKEFIELD. Thomas H. Wakefield, special account.

Mr. ARMSTRONG. Are there any other accounts on which you are a signator with Mr. Rebozo?

Mr. WAKEFIELD. No other bank accounts, to my recollection.

Mr. ARMSTRONG. I believe when Mr. Sheehy and I visited with you on—I think it was January 15—you mentioned at that time you thought there was one other account in which—which I believe was one of Mr. Rebozo's accounts on which you also had power of signature.

Mr. WAKEFIELD. Bank account?
Mr. ARMSTRONG. Yes, sir.
Mr. WAKEFIELD. I don't recall it.
Mr. ARMSTRONG. I'm trying to find a reference. If I remember correctly, I think you stated that you weren't sure, but you believed Mr. Rebozo had one other account which he had given you power of a signature on in case anything should happen to him, or if it became necessary for you to sign any checks on it.
Mr. WAKEFIELD. Could be, but I don't recall any particular account.
Mr. ARMSTRONG. And are there any—can you tell us what safety boxes you have power of signature on?
Mr. WAKEFIELD. I have the key on the director's box at the Key Biscayne Bank, which is 222. I was a deputy signer on 224.
Mr. ARMSTRONG. Box 222, you are referring to, is the board of directors' box at the Key Biscayne Bank & Trust Co.?
Mr. WAKEFIELD. Right.
Mr. ARMSTRONG. And box 224, you were joint signator with Mr. Rebozo?
Mr. WAKEFIELD. I wasn't joint; I was a deputy, to my recollection.
Mr. ARMSTRONG. Do you have any other safety deposit boxes, sir?
Mr. WAKEFIELD. Personally?
Mr. ARMSTRONG. Yes, sir.
Mr. WAKEFIELD. Yes. I have one for my wife.
Mr. ARMSTRONG. And what bank is that?
Mr. WAKEFIELD. First National Bank.
Mr. ARMSTRONG. And are there any firm?
Mr. WAKEFIELD. There's one firm box at the First National.
Mr. ARMSTRONG. Are there any other than the two boxes at the Key Biscayne Bank & Trust Co. Mr. Rebozo also has power of signature on?
Mr. WAKEFIELD. Not to my knowledge.
Mr. ARMSTRONG. Can you tell us how you happened to become signator on box 224 at the Key Biscayne Bank & Trust Co.?
Mr. WAKEFIELD. I was requested to by my client, Mr. Rebozo.
Mr. ARMSTRONG. Can you tell us when that was, sir?
Mr. WAKEFIELD. I have no accurate recollection of the time. It is either 1968 or 1969.
Mr. ARMSTRONG. Can you tell us if Mr. Rebozo mentioned this to you prior to giving you a key to the box?
Mr. WAKEFIELD. Mentioned what?
Mr. ARMSTRONG. Mentioned that he was opening a box, or that there would be such a safety deposit box?
Mr. WAKEFIELD. He simply asked me to be a party signator on it.
Mr. ARMSTRONG. Can you tell us when he gave you a key to the safety deposit box?
Mr. WAKEFIELD. I don't have any recollection as to the time. It was probably about the same time I signed the card.
Mr. ARMSTRONG. OK, sir.
Mr. LENZNER. Mr. Wakefield, are you also an officer of the partnership which owns Fisher's Island?
Mr. WAKEFIELD. It is not a partnership; it is a corporation.
Mr. LENZNER. Are you an officer of that corporation?
Mr. WAKEFIELD. Yes, sir; I am secretary of that corporation.

Mr. LENZNER. Have you received information, as an officer of that corporation, regarding financial transactions relating to the corporation?

Mr. WAKEFIELD. I think the information—any information I received regarding that was as attorney, and therefore I would rely on the privilege.

Mr. LENZNER. You received no information in your capacity as secretary of the corporation?

Mr. WAKEFIELD. No, sir.

Mr. LENZNER. Have you attended meetings of the officers of the corporation?

Mr. WAKEFIELD. I attend meetings of the board of directors.

Mr. LENZNER. Are you a member of the board, also?

Mr. WAKEFIELD. No, sir.

Mr. LENZNER. As secretary, do you take notes of those meetings?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. And that is in your official capacity as secretary of the corporation?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. Is that information you receive as secretary of the corporation taken down in your capacity as a secretary of the corporation?

Mr. WAKEFIELD. As attorney and secretary. It is a little difficult sometimes because I'm consulted as attorney in standard.

Mr. LENZNER. In what, sir?

Mr. WAKEFIELD. In standard. During the course of a meeting I'll be consulted as an attorney of those reports, as well as simply transcribing the notes.

Mr. LENZNER. I understand that. At times certain questions arise and your advice is sought on during those meetings, is that correct?

Mr. WAKEFIELD. That is correct.

Mr. LENZNER. In addition to that, you do receive information, do you not, as secretary of the corporation?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. As secretary of the corporation, have you learned of ownership of stock in Fisher's Island Corp.?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. And have you learned whether Mr. Patrick Buchanan has owned stock in Fisher's Island Corp.?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. Do you know if any stock is held in trust for Mr. Buchanan?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. And who holds that stock in trust?

Mr. WAKEFIELD. I do. I'm named as trustee under a trust letter.

Mr. LENZNER. In a trust letter from Mr. Buchanan?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. And at whose request did you establish a trustee arrangement on behalf of Buchanan?

Mr. WAKEFIELD. Mr. Buchanan.

Mr. LENZNER. And do you have a trustee relationship arrangement for Fisher's Island stock of any other individuals?

Mr. WAKEFIELD. One other, I believe.

Mr. LENZNER. Who's that, sir?

Mr. WAKEFIELD. Mr. Burke Hedges is one of our shareholders.

Mr. LENZNER. How many shares does Mr. Buchanan hold in trust?

Mr. WAKEFIELD. Well, I issued, as secretary, 3,000 shares.

Mr. LENZNER. Who purchased those shares?

Mr. WAKEFIELD. I don't know.

Mr. LENZNER. You don't know who provided the funds for Mr. Buchanan's purchase?

Mr. WAKEFIELD. No, sir.

Mr. LENZNER. Have you discussed with other individuals your trustee arrangements with Mr. Buchanan?

Mr. WAKEFIELD. No.

Mr. LENZNER. And you say it was at Mr. Buchanan's direct request that you held these shares in trust?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. And do you know what reason Mr. Buchanan offered, if any, why shares should be held in trust, rather than directly by him?

Mr. WAKEFIELD. No.

Mr. LENZNER. Do you know what the form of payment was for these shares?

Mr. WAKEFIELD. No.

Mr. LENZNER. The books and ledgers of the corporation do not reflect how the funds were paid for?

Mr. WAKEFIELD. No.

Mr. LENZNER. Do you know how much was paid for these shares?

Mr. WAKEFIELD. No; I don't.

Mr. LENZNER. Have you ever discussed the trustee arrangement you have with Mr. Buchanan, with Mr. Rebozo?

Mr. WAKEFIELD. I may have as attorney/client.

Mr. LENZNER. You say you've discussed it with Mr. Rebozo as his attorney?

Mr. WAKEFIELD. Yes, as Mr. Rebozo's attorney.

Mr. LENZNER. Have you discussed it with—Mr. Buchanan's shares—with Mr. Nixon?

Mr. WAKEFIELD. No, sir.

Mr. LENZNER. Have you ever represented Mr. Buchanan as his counsel?

Mr. WAKEFIELD. No, sir.

Mr. LENZNER. Have you ever received any compensation from Mr. Buchanan at any time?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. I have here what is reported to be safe-deposit box records for box 224, dated July 9, 1968, first day, and what appears to be a safe-deposit box lease and then a visitation record. I have this marked as exhibit 3 for today.

[Whereupon, the documents referred to were marked Wakefield exhibit No. 3 for identification.*]

Mr. WARD. Mr. Armstrong, for the purpose of clarity of the record, since the witness has not identified these yet, do you want the witness to identify it and then mark it as an exhibit?

*See p. 11370.

Mr. ARMSTRONG. Well, can you identify it, Mr. Wakefield, and then I'll mark it.

Mr. WAKEFIELD. Well, it appears to be a copy of a first page of a safety-deposit box lease and a ledger of visitation rights.

Mr. ARMSTRONG. Can you identify your signature on there?

Mr. WAKEFIELD. It appears to be my signature on there.

Mr. ARMSTRONG. Does it appear to refer to the box that we were discussing before, box 224, in the Key Biscayne Bank & Trust Co.?

Mr. WAKEFIELD. It doesn't say anything about the Key Biscayne Bank on there, but we'll have to assume it.

Mr. ARMSTRONG. It say, "C. G. Rebozo or Thomas H. Wakefield." Would that be the only account?

Mr. WAKEFIELD. I assume so.

Mr. ARMSTRONG. I believe in an interview that I conducted with you, on October 18, 1973, you recalled that Mr. Rebozo gave you a key to the safety deposit box some time in 1968 or 1969, and you believed it was 1969 after the election. But do you have any recollection now that would help us?

Mr. WAKEFIELD. No, I don't.

Mr. ARMSTRONG. Pin down when he provided the key to you? Do you recall whether Mr. Rebozo's signature was already affixed to the card when you signed the card?

Mr. WAKEFIELD. My recollection is that it was.

Mr. ARMSTRONG. Do you know if the account, or the box, had been open for some time prior to you signing the card?

Mr. WAKEFIELD. I don't have any recollection as to specific dates.

Mr. ARMSTRONG. Even regardless of the specific dates, do you know if it had been open prior to your signature on the card?

Mr. WAKEFIELD. Could have been.

Mr. ARMSTRONG. Now, did Mr. Rebozo give you any instructions at the time, regarding the box, at that time or subsequently?

Mr. WAKEFIELD. Well, if we're—I think we're approaching a point where my relationship with Mr. Rebozo is as his attorney-client. And I think that for the reason stated in my opening statement, that is privileged communication.

Mr. ARMSTRONG. Are my notes correct in saying that on October 18, 1973, you told me that Mr. Rebozo explained, in the case of his death, you should open the box and follow instructions you would find therein?

Mr. WAKEFIELD. Mr. Armstrong, I can only repeat that I did have an interview with you, but any knowledge or information which I have gained by my attorney-client relationship with Mr. Rebozo, I must decline to answer on the grounds that it is privileged communication.

Mr. LENZNER. Mr. Wakefield, prior to your interview with Mr. Armstrong on October 18, 1973, did you discuss with Mr. Rebozo the question of what areas you might be able to answer?

Mr. WAKEFIELD. No, sir.

Mr. LENZNER. Did you describe to him after that interview, the areas that you did discuss with Mr. Armstrong?

Mr. WAKEFIELD. No, sir.

Mr. LENZNER. You also had an interview on January 16, 1974, according to our records, with Mr. Sheehy and Mr. Armstrong. Prior

to that interview, did you discuss with Mr. Rebozo the fact that you were going to be interviewed?

Mr. WAKEFIELD. On January 16?

Mr. LENZNER. That's what our records indicate, January 16, 1974, in your laws offices in Miami.

Mr. WAKEFIELD. I could have mentioned it. I don't recall.

Mr. LENZNER. And also present at that interview was Mr. Alan Greer of the firm of Frates, Floyd, Pearson & Stewart.

Mr. WAKEFIELD. Yes, I had asked Mr. Greer to be my counsel at that time.

Mr. LENZNER. You are aware, at that time, that Greer and the firm he is associated with, also represent Mr. Rebozo?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. Did you discuss, prior to the interview on January 16, 1974, the fact that you were going to be asked to discuss certain areas regarding Mr. Rebozo?

Mr. WARD. I'm going to object to the question unless you state with the question, with whom he was supposed to have conferred.

Mr. LENZNER. With Mr. Rebozo.

Mr. WAKEFIELD. No.

Mr. LENZNER. And did you discuss after your interview of January 16, the areas that were pursued, with Mr. Rebozo?

Mr. WAKEFIELD. Not to my recollection.

Mr. ARMSTRONG. Did you discuss with your counsel—with Mr. Greer or Mr. Frates, or anybody else, who was also representing Mr. Rebozo—in order that they might discuss it with Mr. Rebozo what was to be covered?

Mr. SIBLEY. Make it clear that Mr. Greer was your counsel and not acting for Mr. Rebozo at the time this interview occurred.

Mr. WAKEFIELD. Well, that is correct. It is a couple of questions in one.

Mr. LENZNER. My—our notes reflect that during your interview on January 16, 1974, with investigators of the committee, you did discuss with Mr. Greer present, certain instructions that Mr. Rebozo gave you with regard to safe-deposit boxes.

I take it that Mr. Greer, at that time, did not object on the behalf of Mr. Rebozo, even though he also represented Mr. Rebozo. And you are answering that question?

Mr. SIBLEY. Make it clear that Mr. Greer represented you at that and not Mr. Rebozo.

Mr. WAKEFIELD. At that hearing, Greer was there at my request, as my attorney. And my conversation with Mr. Greer is also privileged, that I do not waive. And I'd add that Mr. Greer, in the beginning, I believe, of that interview, made an objection with respect to client confidence.

Mr. LENZNER. On behalf of whom?

Mr. WAKEFIELD. Me. In fact, it was reiterated several times.

Mr. LENZNER. Was there also a discussion with reference to the action that Mr. Greer and his firm were going to take with regard to Mr. Rebozo?

Mr. WAKEFIELD. Was there a discussion with whom and where?

Mr. LENZNER. With Mr. Greer on January 16, 1974. He also indicated certain actions that they were taking—he and his firm—on behalf of Mr. Rebozo.

Mr. WAKEFIELD. Did he indicate them to me?

Mr. LENZNER. At the conference.

Mr. WAKEFIELD. I don't remember that.

Mr. LENZNER. You don't remember that?

Mr. SCHULTZ. Terry, if I may, just for clarification, we have referred now to January 16 and October 18 as a meeting and as a conference. Were you under subpena from the committee on October 18, 1973? Is that what prompted your interview?

Mr. WAKEFIELD. No, I think Scott Armstrong gave me a subpena at the conclusion of it.

Mr. SCHULTZ. How about January 16, 1974, was that under subpena?

Mr. WAKEFIELD. No; I believe I received a subpena after that date on the 26th. I had also received a subpena from Mr. Hershman on August 13.

Mr. SCHULTZ. 1973?

Mr. WAKEFIELD. I don't believe any of them were complete subpenas.

Mr. SCHULTZ. I was trying to establish whether you were being interviewed by the staff in response to your subpenas. Was that, in fact, the situation? Mr. Lenzner would obviously not like to comment on this.

Mr. ARMSTRONG. What do you mean in response to subpena? Was he subpenaed to appear?

Mr. SCHULTZ. Yes.

Mr. ARMSTRONG. No; Mr. Wakefield consented to an interview and we interviewed him informally at that time—on both those occasions.

Mr. SCHULTZ. We are talking about information that's on your record as a staff interview, from an informal interview?

Mr. ARMSTRONG. That is correct.

Mr. LENZNER. From an interview, which we do all the time, which you very well know. I just don't quite understand.

Mr. SHEEHY. Did there come a time when you discussed with Mr. Greer, in his capacity as representing Mr. Rebozo, any waiver of the attorney-client privilege—Mr. Greer, or Mr. Frates in their capacity as attorneys for Mr. Rebozo?

Mr. WAKEFIELD. I discussed it with Mr. Frates before I came up here this time, and he advised me that there would be no way of responding.

Mr. ARMSTRONG. On any matters——

Mr. WAKEFIELD. Yes; on any matters.

Mr. ARMSTRONG [continuing]. Regarding Mr. Rebozo?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Have you discussed it prior to that with Mr. Frates?

Mr. WAKEFIELD. No; I don't think so.

Mr. ARMSTRONG. Can you tell us—and I'm not trying to get into your relationship with Mr. Greer and Mr. Greer's representation of you but, did you inquire of Mr. Greer—of any members of the Frates law firm—whether or not Mr. Rebozo would waive his privilege, prior to January 16, 1974?

Mr. WAKEFIELD. Not to my recollection.

Mr. ARMSTRONG. Now, can you tell us, after receiving the safety deposit key from Mr. Rebozo, what you did with that key?

Mr. WAKEFIELD. I threw it in an envelope in the safe.

Mr. ARMSTRONG. How is that envelope marked?

Mr. WAKEFIELD. I think it was marked, Mr. Rebozo's name and the number of the box.

Mr. ARMSTRONG. Do you recall where in the safe you put it, what portion of the safe?

Mr. WAKEFIELD. I believe in the bottom drawer. That's where I keep my clients' stuff.

Mr. ARMSTRONG. Can you tell us when you next saw that key, or when you next removed that envelope?

Mr. WAKEFIELD. On June the—I believe it was the 18th of June 1973.

Mr. ARMSTRONG. Can you tell us what you did with the key at that time?

Mr. WAKEFIELD. I took it to the bank on that day and I met Mr. Rebozo, Mrs. Barker, and Mr. Whitaker, in his office.

Mr. ARMSTRONG. And to whom did you give the keys?

Mr. WAKEFIELD. I think I gave it to the clerk in charge of the safety deposit boxes. The four individuals named entered the box together—the safety deposit box area—and removed the box together.

Mr. ARMSTRONG. And was your key used to open the box?

Mr. WAKEFIELD. I believe so.

Mr. ARMSTRONG. And what happened to the key after the box was opened?

Mr. WAKEFIELD. I have no recollection, except I must have left it there.

Mr. ARMSTRONG. Between the time that you received the key, some time in 1968 or 1969, and June 18, 1973, did that key leave your safe?

Mr. WAKEFIELD. Not to my knowledge.

Mr. ARMSTRONG. Did Mr. Rebozo ever request that you give him that key?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Did Mr. Rebozo ever give you another key to the safety deposit box, or any other safety deposit box—or for the same safety box?

Mr. WAKEFIELD. No; not to my knowledge, other than the directors' box, I have a key to.

Mr. ARMSTRONG. Did Mr. Rebozo ever give you another key to box 224?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Did Mr. Rebozo ever inform you that he had changed the lock on box 224?

Mr. WAKEFIELD. Not to my recollection.

Mr. ARMSTRONG. Can you tell us, at the time when the box was opened, what—well, from the time the box was opened did you—did someone remove the box in your presence and take the box into Mr. Rebozo's office?

Mr. WAKEFIELD. Give me the question again, please?

Mr. ARMSTRONG. Can you describe what happened after the box was opened, from that time forward?

Mr. WAKEFIELD. June the 18th—on that day?

Mr. ARMSTRONG. Yes, sir.

Mr. WAKEFIELD. The box was opened in the board room of the bank. And there was plain, brown envelopes, to my recollection—plain, brown envelopes containing cash, $100 bills in bundles.

Mr. ARMSTRONG. And did you count—did you participate in counting the cash?

Mr. WAKEFIELD. I was requested to count the cash and Mrs. Barker recorded the numbers.

Mr. ARMSTRONG. You made an inventory of the bills?

Mr. WAKEFIELD. An inventory of the bills.

Mr. ARMSTRONG. Can you tell us what the total funds present were?

Mr. WAKEFIELD. $100,100.

Mr. ARMSTRONG. Can you tell us what discussion took place on June 18, 1973, regarding those funds?

Mr. WAKEFIELD. I can remember certain areas. I can't say specifically, maybe who said what. They were informed by Mr. Rebozo that we were going to take the box and inventory the moneys in the box. Then we went in the board room together and we did the inventory on the box.

I recall that somebody told me to be sure to handle the bills in such a manner that I wouldn't smudge fingerprints, or something, if there were any on there. I think that was Mr. Whitaker. I don't remember offhand whether it was he or Mr. Rebozo. And we proceeded to count the money, Mrs. Barker and myself. And Mr. Rebozo signed the release.

Mr. ARMSTRONG. Was there any discussion as to whether—what the source of the funds was—were?

Mr. WAKEFIELD. At that stage, I don't honestly recollect, but I believe we all knew it was allegedly the Hughes money that had been published in the paper.

Mr. ARMSTRONG. And how did you do that?

Mr. WAKEFIELD. Because it had been published in Mr. Anderson's column somewhere.

Mr. ARMSTRONG. For what purpose had you gone to the bank on June 18, 1973.

Mr. WAKEFIELD. To inventory that money at Mr. Rebozo's request.

Mr. ARMSTRONG. Did Mr. Rebozo indicate at that time what the source of the fund was when he requested that you come to the bank?

Mr. WAKEFIELD. He could have.

Mr. ARMSTRONG. Had you had any discussions prior to that with Mr. Rebozo regarding these funds?

Mr. WAKEFIELD. I learned of the funds about the last week in May or the first week in June.

Mr. ARMSTRONG. And from whom did you learn of those funds?

Mr. WAKEFIELD. Mr. Rebozo.

Mr. ARMSTRONG. What did he tell you at that point?

Mr. WAKEFIELD. At that time I learned of the funds, but I'll have to plead privileges to the conversation.

Mr. ARMSTRONG. Did Mr. Rebozo seek from you, or did you offer Mr. Rebozo, any legal advice regarding the source, or his retention of the $100,000?

Mr. WAKEFIELD. The only way I can answer that question, is to state that Mr. Rebozo consults me generally about many matters in which we had an attorney-client relationship. In fact, he has other attorneys discuss matters with me under attorney-client relationship.

Mr. ARMSTRONG. Did he request, or did you offer, any legal advice in this area?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. I believe on October 18, 1973, and again on January 16, 1974, we discussed this area, and at that time you advised us that he had requested or that you had offered any legal advice to Mr. Rebozo in this area; is that correct?

Mr. WAKEFIELD. Well, Mr. Armstrong, I again state that I will not reveal anything which I have learned through by attorney-client relationship with Mr. Rebozo. If, in any of our interviews, I have violated that code, that's a matter between me and the Supreme Court of Florida. I am now here under oath, asserting my client's confidentiality in relationship.

Mr. ARMSTRONG. Isn't it a fact—a case, Mr. Wakefield—that in actuality, Mr. Rebozo advised you some time in the last week in May, or the first week in June 1973, that he had received $100,000 in $100 bills through Dick Danner, from Mr. Howard Hughes, in 1969, and that he stated that he had kept this money in the safety deposit box which was in both your name and his name, and the amount was still in the form of the original bills received; that he further stated that he had also consulted an attorney regarding the box, and that the attorney, Mr. Gemmill, had advised opening the box and having the bills inventoried, and that was the full and complete substance of your conversation with Mr. Rebozo in the last week of May and the first week of June 1973?

Mr. SIBLEY. You'll have to assert your privilege according to that.

Mr. WAKEFIELD. I'm going to assert my attorney-client privilege relationship on the grounds stated in my opening statement.

Mr. BELLINO. This is a statement that you have already made. You already made it to the staff.

Mr. SIBLEY. I'm not going to argue that he violated his duty to his client.

Mr. BELLINO. He hasn't violated any duty. He's already violated his duty.

Mr. SIBLEY. If he did, that is up to the supreme court. He is not going to have another chance to do it while I'm representing him.

Mr. LENZNER. Well, I guess one of the problems is, that you have said here today, under oath, that you furnished legal advice without specifying what it was at that time. That this, apparently, is inconsistent with your prior statements to us, and of course that raises a question, aside—apart from—what the Supreme Court of Florida might do, and that is that we now have on the record, here, the statement that you furnished legal advice, and apparently a statement to our staff, on prior occasion, that you did not furnish any legal advice.

Mr. ARMSTRONG. Let me make clear for Mr. Wakefield, what I stated in my statement was what Mr. Wakefield reported was the full and complete discussion with Mr. Rebozo, which is absent of any legal advice. He did not specifically say that he had offered no legal advice.

but I asked him if there was anything else that was discussed at that time, and he said "No."

Mr. LENZNER. I guess the question is, do you want to clarify that, that apparent conflict in what your position has been prior to this and what you testified to today?

Mr. SIBLEY. You'll have to assert your privilege.

Mr. WAKEFIELD. I can only decline to respond on the grounds of client privileged communications.

Mr. LENZNER. Did you hold that box that the money was retained in, as Mr. Rebozo's counsel?

Mr. WAKEFIELD. As I stated in my opening statement, I have been attorney for Mr. Rebozo for many, many years, and I considered I did.

Mr. BELLINO. You have also been an associate of his in financial dealings. You're more than just a lawyer. You've been a partner in a lot of transactions.

Mr. WAKEFIELD. But I was also the lawyer.

Mr. BELLINO. You were also a partner. Where are you going to draw the line?

Mr. LENZNER. You mean you were representing yourself?

Mr. WAKEFIELD. The line is, I can tell you what my part is, but I can't tell you my client's part.

Mr. LENZNER. In other words, you can testify about those transactions as they relate to you. But my question goes back to whether your role in counseling and advising Mr. Rebozo, included the fact that you were also a cosignator on the box? Now, how did that relate to your role as counsel for Mr. Rebozo?

Mr. WAKEFIELD. I've been attorney for Mr. Rebozo for many years. He's consulted me about everything. I handle all his personal problems, all his personal business. I consider that his personal business.

Mr. LENZNER. The fact that you were going over there to inventory this money, you were doing this in your role as counsel to Mr. Rebozo?

Mr. WAKEFIELD. Yes, sir. I don't believe he would ask anybody to walk in and do it.

Mr. LENZNER. And that was done, was it not, in full view of two other individuals?

Mr. WAKEFIELD. That is right, and I have testified to that.

Mr. LENZNER. Was anybody else there, present, on the day you furnished Mr. Rebozo advice with regard to this money?

Mr. WAKEFIELD. No.

Mr. LENZNER. Have you discussed that conversation with anyone else—Mr. Scott—besides Mr. Armstrong and Mr. Sheehy?

Mr. WAKEFIELD. I didn't discuss it with them. I don't have their notes, but I didn't discuss that conversation.

Mr. LENZNER. Are you saying that because you did not discuss on October 18 and January 16, that conversation with Mr. Rebozo?

Mr. WAKEFIELD. Not in its entirety, no.

Mr. LENZNER. Can you tell us now, on the record, what reason you had for not disclosing it in its entirety?

Mr. WAKEFIELD. Because, I have an attorney-client relationship, and that is privileged.

Mr. LENZNER. And that is the reason you did not disclose it in its entirety; the conversations on October 18 and January 16, 1972.

Mr. WAKEFIELD. That is right.

Mr. LENZNER. Did you so indicate to Mr. Armstrong and Mr. Sheehy?

Mr. WAKEFIELD. On January 16, everybody was under oath.

Mr. ARMSTRONG. You mean on October 18.

Mr. WAKEFIELD. I mean on October 18.

Mr. ARMSTRONG. One thing that isn't clear on the record, and I let it pass before; I should state it is not my recollection that Mr. Greer, or you, asserted attorney-client privilege in relationship to anything other than the use of Mr. Rebozo's funds after a deposit in the Wakefield, Hewitt & Webster trust account and perhaps in a couple of other matters related to real estate transactions, and that the blanket objection which Mr. Greer brought up several times, was not in relation to that but was in relation to the committee staff's investigation of things—activities—occurring in the year 1973. And that was the running objection, not any objection to the attorney-client privilege.

Mr. WARD. Let me clarify something here, gentlemen, on behalf of Mr. Wakefield, if I can. In the first place, you seem to be approaching this on some basis that the attorney can waive this privilege. An attorney cannot waive that privilege. If there was such a discussion, at any time, whether it was or wasn't has no bearing whatsoever on the man's testimony here today, under oath, under a subpena, to testify in a proceeding before a committee of the U.S. Senate. He is here in response to a subpena. You have asked him questions. He has invoked the attorney-client privilege which he has to invoke under canons of law.

As I read your rules of procedure, in the first place any interview, whether it took place or not, with a staff counsel, is confidential information anyway. So, therefore, I think we must forget about the fact that there was an interview and that you're attempting to badger this witness into making statements regarding an attorney-client privilege, based upon a confidential communication with you, and based upon, and against, his assertion of the attorney-client privilege. And I don't think you can do it.

Mr. SIBLEY. I think the word "badger" is a little strong.

Mr. WARD. I'll withdraw "badger."

Mr. SIBLEY. These gentlemen have been very pleasant.

Mr. WARD. I would withdraw the statement of "badger." There has been no badgering of the witness.

Mr. SIBLEY. That's what they get for being an advocate. They'll say anything.

Mr. LENZNER. I think in all fairness to Mr. Wakefield, that I was not at this interview—these prior interviews—but it seems to me that in addition to Mr. Wakefield's attorney-client problem, which I understand fully and obviously he cannot waive this on his own, although it's to some extent pertinent that Mr. Rebozo's attorney, also acting attorney on behalf of Mr. Wakefield, was present at this last meeting on January 16 and raised no objections on behalf of Mr. Rebozo.

And also, we have to take into consideration, Mr. Ward and Mr. Wakefield, so that you understand, our record, as it goes to the Senate

committee and onward, as to the fact that there apparently exists now, in Mr. Wakefield's mind, further testimony regarding this conversation, which I understand he is exerting privilege on, which he did not come forward with when he was interviewed on prior occasions. And I think that is of pertinent relevancy to these questions. We're not trying to do something through the back door, which you obviously can't do, but rather that the record now exists—our record exists—that with Mr. Greer present, he testified that Mr. Rebozo, according to our notes, had told him in May or June that the safety deposit box contained $100,000 that was from Mr. Danner and his tool company; that upon advice from another attorney, named Mr. Gemmill, that he was going to return the money.

And during this conversation, Mr. Rebozo said he was going to make an inventory of the money and he called Wakefield in for those purposes in that process.

So apparently, according to this prior statement, Mr. Rebozo then said he was going to return the money according to the advice of another counsel, and there is no indication in our record that Mr. Wakefield was asked for or did furnish any advice. I might add this too, if we can—I'm not sure you can answer this, but did Mr. Rebozo indicate at that time that he had also consulted another attorney prior to his meeting with you?

Mr. WAKEFIELD. I think I'll have to decline that also. It is communication with my client.

Mr. LENZNER. I just want to make it clear for both you gentlemen, I'm not trying to seek out testimony.

Mr. WAKEFIELD. I'm going to say one thing: that I don't believe that during any of my two interviews with Mr. Armstrong—I didn't make any notes. So I'm testifying from my recollection of these things. I have nothing to go back to. And I think Mr. Sheehy and Mr. Armstrong made copious notes.

Mr. LENZNER. And I think at the first meeting—Mr. Armstrong made no notes in the first meeting. I think we made a tape recording with Mr. Wakefield's understanding and consent.

Mr. WAKEFIELD. You see, I don't even recollect that.

Mr. SIBLEY. We do have a problem with certain things with Mr. Frates. I've got to protect him. That is the only reason I'm here.

Mr. ARMSTRONG. I want to go back to one point and make sure we are very clear on it. At any time, did Mr. Rebozo come to you and request the use of your safety deposit key for box 224, in order to enter box 224, have the lock changed, and have new keys made for it?

Mr. WAKEFIELD. Honestly, to my recollection, I don't know. I don't recall.

Mr. LENZNER. Before you leave that date—I hate to interrupt again, but did you observe how the money was wrapped in packages?

Mr. WAKEFIELD. It had rubber bands around it, in brown paper envelopes.

Mr. LENZNER. How many envelopes?

Mr. WAKEFIELD. Three, four, five, six

Mr. LENZNER. Do you recall if the money was contained in anything else, other than rubber bands?

Mr. WAKEFIELD. It was rubber bands.

Mr. LENZNER. Did you see anything that appeared to be bank wrappers?

Mr. WAKEFIELD. No.

Mr. LENZNER. And do you have any information as to whether, if it is not privileged—as to whether that money was ever contained in anything other than bank wrappers—in anything other than rubber bands?

Mr. WAKEFIELD. I only know what I saw that day.

Mr. LENZNER. You have no information one way or the other?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Do you recall, Mr. Wakefield, seeing in 1971—August of 1971—in a Jack Anderson column, about Mr. Rebozo getting a campaign contribution for the President from Howard Hughes?

Mr. WAKEFIELD. I think I saw it.

Mr. ARMSTRONG. Do you recall if you discussed that newspaper article with Mr. Rebozo?

Mr. WAKEFIELD. Not until this past end of May or June.

Mr. ARMSTRONG. And do you recall if, at that time, he indicated that this was the money out of the safety deposit box; it was the same money that the newspaper article referred to?

Mr. WAKEFIELD. I think you're asking me for communication with my client, Mr. Rebozo.

Mr. ARMSTRONG. I meant when the four of you were there.

Mr. WAKEFIELD When the four of us were there? He could have said something, Mr. Armstrong. He could have mentioned it, that it was Hughes' money, but as I say, there was very little conversation, and what there was is a big blur now.

Mr. ARMSTRONG. Do you know where Mr. Rebozo, during the period January 1969 through June 18, 1973—where Mr. Rebozo kept his will?

Mr. WAKEFIELD. No; I don't.

Mr. ARMSTRONG. Did you have a copy of his will in your office?

Mr. WAKEFIELD. No; I don't.

Mr. ARMSTRONG. Did he ever indicate to you that his will was kept in a safety deposit box?

Mr. WAKEFIELD. He could have. I don't recollect it.

Mr. ARMSTRONG. When the safety deposit box, 224, was opened, was there any other contents in the box, other than the $100,100?

Mr. WAKEFIELD. No.

Mr. LENZNER. Was any explanation given in any way for the extra $100?

Mr. WAKEFIELD. No.

Mr. LENZNER. Did Mr. Rebozo seem surprised at that extra $100?

Mr. WAKEFIELD. I think there was a comment made.

Mr. LENZNER. Which was made by Mr. Rebozo?

Mr. WAKEFIELD. And the only way to verify it would be to recount it. And I decided we were not going to recount it.

Mr. LENZNER. What was Mr. Rebozo's comment?

Mr. WAKEFIELD. He didn't make any that I can recall, except possibly express amazement that there was an extra $100.

Mr. LENZNER. Do you remember that, or don't you remember that?

Mr. WAKEFIELD. I don't recollect exactly, at all, what he said, except that I assume we wouldn't have discussed recounting it if he had known.

Mr. ARMSTRONG. Mr. Wakefield, was the safety deposit box which was in your name, along with Mr. Rebozo's, used for any purpose other than keeping the $100,000—storing the $100,000?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Do you have any idea why the safety deposit box was originally opened, other than to place the $100,000 in it?

Mr. WAKEFIELD. I don't have any knowledge of why it was opened, period, at the time that it was opened.

Mr. ARMSTRONG. Now, without characterizing, as I understand it, before you claimed attorney-client privileges on the instructions that Mr. Rebozo gave you on what to do in case of—with the box?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Can you tell us when, though—when he gave you those instructions? Was it at the same time he gave you the key to the box?

Mr. WAKEFIELD. Some time around that.

Mr. ARMSTRONG. That would be roughly the time when the box was opened?

Mr. WAKEFIELD. I assume so.

Mr. ARMSTRONG. Which the records show to be July 9, 1968.

Mr. BELLINO. Why do you say you assume so? Couldn't it have been later?

Mr. WAKEFIELD. That I received instructions from my client?

Mr. BELLINO. Yes.

Mr. WAKEFIELD. I think he told me at the time he gave it to me. He gave me instructions, but I can't comment on those instructions under my privilege assertion.

Mr. ARMSTRONG. Again, Mr. Wakefield, without describing the instructions which you feel are privileged, did there ever come a time when Mr. Rebozo altered those instructions or amended them in any way?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Was there any time when he added any additional instructions?

Mr. WAKEFIELD. When I was called to go to the bank on the 18th.

Mr. ARMSTRONG. Can you tell us? Is that alteration also privileged?

Mr. WAKEFIELD. I'd say that was privileged. I arrived there that day, there were three other people.

Mr. LENZNER. When he gave you those further instructions on that occasion, did he give them to you in front of other people?

Mr. WAKEFIELD. No.

Mr. LENZNER. Did he give them to you before or after the box was opened?

Mr. WAKEFIELD. Before.

Mr. LENZNER. You mean you had a meeting with Mr. Rebozo prior to the time you went in to open the box?

Mr. WAKEFIELD. Yes, sir. I said so.

Mr. ARMSTRONG. By opening the box, do you mean the physical removal of the box on June 18?

Mr. LENZNER. Yes.

Mr. ARMSTRONG. Did there come a time when Mr. Rebozo advised you that he wished to use your name in the bank—on a bank account on which he would have power of signature?

Mr. WAKEFIELD. The question again, Mr. Armstrong?

Mr. ARMSTRONG. Did there come a time when Mr. Rebozo—did he advise you that he'd like to use your name on a bank account on which he would have power of signature?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Can you tell us when that was?

Mr. WAKEFIELD. January or February of 1969.

Mr. ARMSTRONG. Did that conversation result in the opening of the account entitled, "Thomas H. Wakefield, Special Account"?

Mr. WAKEFIELD. May I consult my attorney? [Pause.] All right, the answer to the question is "No."

Mr. BELLINO. You did not, did you say?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Did it result in the opening of any other bank account?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Did you subsequently have any conversations which resulted in the opening of a bank account in your name to which he was a signator?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Did there come a time when Mr. Rebozo advised you that he had opened a bank account in your name to which he was a signator and he would like to use you also to be a signator?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. And can you tell us when that was, sir?

Mr. WAKEFIELD. Either January or February of 1969.

Mr. ARMSTRONG. And can you tell us when you signed the signature card for that account?

Mr. WAKEFIELD. During that period of time. It might have been January or February—the end of January, or in February.

Mr. ARMSTRONG. I have a signature card—a copy of a signature card—for Mr. Thomas H. Wakefield, special account, opened April 16, 1969. Can you identify that card, or the copy of it—the card of which that is the copy and your signature on it?

Mr. WAKEFIELD. That appears to be my signature; yes.

Mr. ARMSTRONG. Is that the same bank account we were just referring to, sir?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Can we have that marked as exhibit No. 4?

[Whereupon, the document referred to was marked Wakefield exhibit No. 4, for identification.*]

Mr. ARMSTRONG. Can you tell us how long the account was open before Mr. Rebozo forwarded a signature card to you for signature?

Mr. WAKEFIELD. I'd put it at an hour and a half.

Mr. ARMSTRONG. That soon after it was open, but you're not sure how long?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Can you tell us what your understanding of the purpose of the account was?

Mr. WAKEFIELD. I can't answer that, because anything I've learned by virtue of my signature on that card was a communication privileged between myself and my client.

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*See p. 11371.

Mr. ARMSTRONG. Are you aware that a check for $6,000, drawn on the Florida Nixon for President committee account and signed by Mr. Rebozo, on April of 1969, was deposited to the Thomas H. Wakefield special account?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Have you, at any time, become aware that campaign funds were deposited in the Thomas H. Wakefield special account?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Have you ever signed any checks on the Thomas H. Wakefield special account?

Mr. WAKEFIELD. Not to my knowledge.

Mr. ARMSTRONG. Have you ever received any of the proceeds or funds from the Thomas H. Wakefield special account?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Can you tell us how much that was, sir?

Mr. WAKEFIELD. Its amount—I don't recollect the amount; $4,000-odd.

Mr. ARMSTRONG. $4,562.38?

Mr. WAKEFIELD. That sounds correct.

Mr. ARMSTRONG. Can you tell us what you did with those proceeds?

Mr. WAKEFIELD. No, sir. Any information I have concerning that is the result of a conversation and communication with my client.

Mr. ARMSTRONG. Did you ever deposit those proceeds in any other bank account?

Mr. WAKEFIELD. Yes, sir; they were placed in my firm trust account. That would be the Wakefield, Hewitt & Webster trust account.

Mr. ARMSTRONG. Can you tell us what bank that was?

Mr. WAKEFIELD. I believe it was the Key Biscayne Trust.

Mr. LENZNER. At whose instruction was that, sir?

Mr. WAKEFIELD. I'll repeat the fact that any information that I am aware of, or have, by reason of that sum of money, is a result of a communication between me and my client, Mr. Rebozo, and I am prohibited from exposing that communication.

Mr. ARMSTRONG. That deposit, I believe, took place on June 28, 1972, is that correct?

Mr. WAKEFIELD. I believe so.

Mr. ARMSTRONG. Can you tell us when the instructions to deposit proceeds from the Thomas H. Wakefield special account to the Wakefield, Hewitt & Webster trust account, took place?

Mr. WAKEFIELD. That date, I believe.

Mr. ARMSTRONG. Can you tell us if the funds from that account were expended on behalf of any other individual, other than Mr. Rebozo?

Mr. WAKEFIELD. I have to decline to answer on the grounds of privilege.

Mr. LENZNER. And on that question, your client would be who? Who would your client be on that stand?

Mr. WAKEFIELD. Mr. Rebozo.

Mr. ARMSTRONG. To your knowledge, did any defendant, in any criminal proceedings resulting from the break-in of the premises of the Watergate, the Democratic National Headquarters in the Watergate office building—to your knowledge, did any of the proceeds from the Wakefield—Thomas H. Wakefield special account—were any of those proceeds used for the payment of legal fees or maintenance to

any of the defendants in criminal cases, arising out of the break-in of the premises of the Democratic National Committee in the Watergate office building, June of 1972?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. I meant the proceeds of the special account which went through the Thomas H. Wakefield trust account?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. That went through the Wakefield, Hewitt & Webster trust account?

Mr. WAKEFIELD. No.

Mr. LENZNER. You were getting, were you not, bank statements on that trust account?

Mr. WARD. Which trust account, Mr. Lenzner?

Mr. LENZNER. The trust account in the name of your firm in the Key Biscayne Bank & Trust.

Mr. WAKEFIELD. We received a monthly statement on our customers; yes.

Mr. LENZNER. Did you not also receive copies of checks that went through that account?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. And did you not also receive copies of the checks that were deposited into that account?

Mr. WAKEFIELD. No; I don't think we get copies of checks that are deposited.

Mr. LENZNER. Did you ever see the checks that were deposited into that account?

Mr. WARD. What account are we talking about?

Mr. LENZNER. And, again, the Wakefield, Hewitt & Webster account in the Key Biscayne Bank & Trust.

Mr. WARD. The question, as I understand it, did you receive the checks that were written on the account?

Mr. LENZNER. Deposited in the account.

Mr. WAKEFIELD. I don't receive all the checks that are deposited. And the $4,000-odd that was transferred by consent charge to that account.

Mr. LENZNER. You say you did see that?

Mr. WAKEFIELD. Yes, sir.

Mr. LENZNER. You say that—did you ever learn, without specifying the specific source—did you ever learn the source of those funds?

Mr. WAKEFIELD. Did I ever learn the source of those funds?

Mr. LENZNER. Yes, sir.

Mr. WAKEFIELD. I don't, for the fact, know the source of those funds today. I think Mr. Armstrong told me, at one time, that they had come out of a political campaign.

Mr. LENZNER. That is the only information you have ever received with regard to the origin or the source of those funds?

Mr. WAKEFIELD. Yes, sir.

Mr. BELLINO. As a matter of fact, the statements did not come to you, you would not have seen them.

Mr. WAKEFIELD. No. As a matter of fact, they were marked, "Hold".

Mr. ARMSTRONG. Now, we are referring to the Thomas H. Wakefield special account.

Mr. SIBLEY. I was talking about his trust account.

Mr. ARMSTRONG. Have you, or your firm, represented President Nixon in any matters, other than the acquisition of property at 500 and 516 Bay Lane, and the acquisition and sale of properties in the Cape Florida Development Corp.?

Mr. WAKEFIELD. I don't believe we have. Those are the only items I recollect.

Mr. ARMSTRONG. Could you tell us what happened to the proceeds from the sale of the Cape Florida Development Corp.—The Cape Florida Development lots—when the President sold them to Mr. Griffin?

Mr. WAKEFIELD. I'll have to decline to answer that on the grounds of the client-attorney privileged communication.

Mr. ARMSTRONG. Well, did anyone, other than the President, receive the proceeds of that sale, to your knowledge?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Did the President receive all of the proceeds from that sale, other than whatever appropriate fees, escrows that your firm may have absorbed?

Mr. WAKEFIELD. I think so.

Mr. ARMSTRONG. Has the Wakefield, Hewitt & Webster trust account in the Key Biscayne Bank & Trust Co., or the First National Bank of Miami, ever paid for any of the expenses incurred by President Nixon?

Mr. WAKEFIELD. I think I would have to assert a confidential privilege with respect to attorney and client.

Mr. ARMSTRONG. In this case we are not referring to the proceeds of the Cape Florida development property.

Mr. WAKEFIELD. I'll state it once again.

Mr. ARMSTRONG. Well, let me put it this way. Other than what President Nixon may have received from the proceeds of the sale of the Cape Florida development lots, has he received any other funds?

Mr. WAKEFIELD. From our trust?

Mr. ARMSTRONG. From the Wakefield, Hewitt & Webster trust accounts in the Key Biscayne Bank or the First National Bank of Miami?

Mr. WAKEFIELD. Mr. Armstrong, I'll have to decline to answer on privileged communication.

Mr. ARMSTRONG. Between yourself and Mr. Rebozo?

Mr. WAKEFIELD. No, between myself and President Nixon.

Mr. ARMSTRONG. For the point of clarifying the record——

Mr. WAKEFIELD. Or his attorney.

Mr. ARMSTRONG. Can you tell us between which attorneys the communication would have been with?

Mr. WAKEFIELD. I have to travel on memory. I don't know if I can identify him. It was an attorney in the office of counsel.

Mr. ARMSTRONG. Would that have been Mr. Parker?

Mr. WAKEFIELD. I wanted to say that name, but I'm not really sure it was. There were several attorneys.

Mr. ARMSTRONG. Would it have been Mr. Haldeman or Mr. Ehrlichman?

Mr. WAKEFIELD. It would not have been Mr. Haldeman. I never spoke to him. I don't think Mr. Ehrlichman is in the office—most of my communications with respect to businessmen are handled by the President. He came from the office of counsel.

Mr. BELLINO. Came from the office of what?

Mr. WAKEFIELD. Of counsel.

Mr. BELLINO. The White House here?

Mr. WAKEFIELD. Yes.

Mr. BELLINO. John Dean's office?

Mr. WAKEFIELD. He was there for a time, yes.

Mr. ARMSTRONG. Can you tell us if the communications that we are talking about took place before or after April 30, 1973? For the purpose of identifying the date, that was the date that Mr. Haldeman and Mr. Ehrlichman left public service and Mr. Dean left public service.

Mr. WAKEFIELD. Let's go back to what we were talking about—disbursements, from the Wakefield, Hewitt & Webster trust account.

Mr. ARMSTRONG. Right, on behalf of the President.

Mr. WAKEFIELD. My instructions came before that date.

Mr. LENZNER. Before April 30, 1973, is that correct, sir?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. The answer is yes?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Do you know if they would have come from Mr. Fielding?

Mr. WAKEFIELD. I don't recall that name.

Mr. ARMSTRONG. Mr. Dean?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Mr. Morgan. Do you feel that it could have been Mr. Morgan?

Mr. WAKEFIELD. I have talked with Morgan and I have talked with Parker. Those names, I know.

Mr. ARMSTRONG. Mr. Krogh.

Mr. WAKEFIELD. Krogh, not in recent years.

Mr. ARMSTRONG. Can you tell us, sir, if this was after June 1972?

Mr. WAKEFIELD. Are we talking about any disbursements out of my account?

Mr. ARMSTRONG. We are talking about the communications that are privileged and we are trying to identify when they occurred?

Mr. WAKEFIELD. I have had communication with the office of counsel over the years. I don't know exactly what you are talking about.

Mr. ARMSTRONG. Were any funds expended on the President's behalf in 1969?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. And any communication regarding that expenditure is privileged as you say? The communication was not with Mr. Rebozo?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Which client are you claiming privileges with regard to communication?

Mr. WAKEFIELD. Mr. Nixon. My instructions mainly came from the office of counsel, and sometimes Mr. Rebozo, as the President's agent.

Mr. ARMSTRONG. Can you describe those conversations for us?

Mr. WAKEFIELD. No; because I think he was acting for the President and that is privileged.

Mr. LENZNER. Mr. Rebozo is not an attorney, though, Mr. Wakefield.

Mr. WAKEFIELD. That is true, but he was an agent for the President and for that purpose and for those particular instructions.

Mr. ARMSTRONG. Did you receive, or did you have any documentation?

Mr. WAKEFIELD. So said.

Mr. ARMSTRONG. Did you receive a documentation from the President, in the President's hand, that would indicate that Mr. Rebozo was agent for that purpose?

Mr. WAKEFIELD. I have no documents.

Mr. ARMSTRONG. Did you discuss it directly with the President, whether or not Mr. Rebozo was the agent for that purpose?

Mr. WAKEFIELD. Well, many years ago.

Mr. BELLINO. What do you mean, many years ago?

Mr. WAKEFIELD. I think in connection with any conversation I had with the President, I think they are privileged too.

Mr. ARMSTRONG. Can we place them in time?

Mr. WAKEFIELD. Long before the 1972 election.

Mr. ARMSTRONG. You did have privileged communication long before the 1972 election that Mr. Rebozo was the President's agent?

Mr. WAKEFIELD. Or the President's counsel?

Mr. ARMSTRONG. I'm sorry. You had conversation with the President, or the President's counsel, which made it clear that Mr. Rebozo was his business agent?

Mr. WAKEFIELD. Was his agent for certain purposes.

Mr. LENZNER. Which purposes were defined to you?

Mr. WAKEFIELD. I think I have to decline to answer that on the grounds of privileged communication.

Mr. LENZNER. Which counsel advised you of that?

Mr. WAKEFIELD. Mr. Ehrlichman was one.

Mr. LENZNER. Telephonically or in person?

Mr. WAKEFIELD. In person.

Mr. LENZNER. Anybody else present at that time?

Mr. WAKEFIELD. No.

Mr. LENZNER. Where was that conversation held?

Mr. WAKEFIELD. At the White House.

Mr. LENZNER. Then this was after January 1, 1969?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. And for what purpose did you come to the White House?

Mr. WAKEFIELD. I was at a reception.

Mr. LENZNER. Did Mr. Ehrlichman talk to you at a reception?

Mr. WAKEFIELD. No, we went to his office.

Mr. LENZNER. Did he ask to see you?

Mr. WAKEFIELD. Yes. Rebozo could have been present there too.

Mr. LENZNER. Mr. Rebozo was present, was he not?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. What did Mr. Ehrlichman say to you at that time?

Mr. WAKEFIELD. I'll have to decline on the grounds of privileged communication.

Mr. LENZNER. Was there any communication related to your client and Mr. Nixon?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. Mr. Rebozo was present?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. I suggest then that there was communication with a third person present and, therefore, it cannot be a confidential communication or intended to be a confidential communication.

Mr. SIBLEY. That, of course, is true.

Mr. WAKEFIELD. Mr. Rebozo was designated as agent in the beginning of the conversation.

Mr. LENZNER. By Mr. Ehrlichman?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. Did they say they wanted to go on an attorney-client basis?

Mr. WAKEFIELD. I considered as such.

Mr. BELLINO. Was Mr. Kalmbach present also?

Mr. WAKEFIELD. No, sir.

Mr. ARMSTRONG. So we can define this area of privilege as it relates to President Nixon, insofar as it related to conversations you had with Mr. Rebozo. Can you tell us in what agency capacity Mr. Rebozo acted on behalf of the President without describing events? We're talking about a business agent.

Mr. WAKEFIELD. Did I leave you hanging on a question, Mr. Lenzner? I think there's a question.

Mr. ARMSTRONG. I think it's the one that was hanging. The question was, can you define the nature of the agency relationship, without going to specifics of it? Can you tell us whether he was acting as a business agent?

Mr. WAKEFIELD. No, I can't. I'm going to have to decline to answer on the grounds of attorney-client privilege.

Mr. BELLINO. Then your client there is the President?

Mr. WAKEFIELD. Yes.

Mr. BELLINO. Where is this going to stop, Mr. Sibley? I mean, how many people can talk to him, come to the President, and he can't——

Mr. SIBLEY. This is an unusual situation. I assure you he can't answer. If he could, I would let him.

Mr. LENZNER. I do find it rather difficult to accept the proposition that simply because Mr. Rebozo was designated as the President's agent, that immediately closed with the attorney-client protection and any communications in his presence would be closed.

Mr. SIBLEY. In the particular transaction, of course, but in the—any agents of—and the agent of the client that was designated for that purpose, and he communicates with the attorney for the benefit of a client, that is privileged. That's right. Otherwise a client would have to whisper in his attorney's ear, he could never lose his control.

Mr. LENZNER. Well, I know, but there are certainly business communications that were simply not privileged and not intended to be privileged.

Mr. SIBLEY. That may be true, but communications with lawyers are privileged.

Mr. WAKEFIELD. In my understanding, they are, in the canons of the Florida Supreme Court decisions. An agent of my client has the same confidentiality that he has.

Mr. LENZNER. If it is an appropriate attorney-client privilege, on the other hand it may be, but if it's really a purely business relationship

and Mr. Rebozo was simply acting as a business agent of the President so certain things could be facilitated. It hardly strikes me as being a protected communication.

Mr. SIBLEY. Of course, if that was the situation you would be correct about it, but of course that is not the situation.

Mr. LENZNER. But that is called going around in a huge circle. Let me ask you a question. Was the discussion in the counsel's office with Mr. Ehrlichman with regard to future specific expenses that would be incurred on behalf of the President?

Mr. WAKEFIELD. No.

Mr. LENZNER. Was there discussion of any specific financial transaction?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Does the agency relationship with Mr. Rebozo which Mr. Ehrlichman advised you of between the President and Mr. Rebozo, did that extend beyond the calendar year 1969?

Mr. WAKEFIELD. I treated it so; yes.

Mr. ARMSTRONG. Was it specifically designated to extend beyond that calendar year?

Mr. WAKEFIELD. It wasn't specifically designated for any period.

Mr. ARMSTRONG. Well, did the agency relationship—I gather it did continue beyond 1969?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Does it continue up through the present?

Mr. WAKEFIELD. I consider it does.

Mr. LENZNER. Was there any discussion in Mr. Erlichman's office with regard to funds that might be available?

Mr. WAKEFIELD. No.

Mr. LENZNER. Was there any discussion in Mr. Erlichman's office with Mr. Rebozo, with regard to what role, if any, Mr. Rebozo might play in fundraising?

Mr. WAKEFIELD. No.

Mr. LENZNER. Was there any discussion of Mr. Rebozo maintaining a fund in behalf of the President, in Florida?

Mr. WAKEFIELD. No.

Mr. LENZNER. Was there any discussion of any fund being maintained on behalf of the President?

Mr. WAKEFIELD. No.

Mr. LENZNER. Was there any discussion with regard to certain contributors that Mr. Rebozo might contact to raise funds?

Mr. WAKEFIELD. No.

Mr. LENZNER. Was there any discussion of any debts that President Nixon had incurred?

Mr. WAKEFIELD. No.

Mr. LENZNER. Was the discussion limited solely to a specific transaction relating to Mr. Rebozo and the President?

Mr. WAKEFIELD. At that time; yes.

Mr. LENZNER. And I take it that it related——

Mr. WAKEFIELD. A specific matter.

Mr. LENZNER. A specific matter? Was it a financial matter?

Mr. WAKEFIELD. No.

Mr. SIBLEY. I am sure it's a blind alley. You can run up it all day long. We're not getting anywhere. I mean, it really is. It's

invoking the privilege, because a privilege exists, not because of the matter involved.

Mr. LENZNER. Did you, on occasion, discuss that conversation with other individuals besides your counsel today—your counsel here?

Mr. WAKEFIELD. Did I discuss——

Mr. LENZNER. Did you discuss the conversation you had with Mr. Ehrlichman and Mr. Rebozo?

Mr. WAKEFIELD. No.

Mr. LENZNER. Did you take any action as a result of it, not specifying what action you took?

Mr. WAKEFIELD. No.

Mr. LENZNER. Can you tell us what action you took?

Mr. WAKEFIELD. No.

Mr. BELLINO. Mr. Wakefield, are you the signator on the Florida Nixon for President account?

Mr. WAKEFIELD. No, sir; not to my knowledge, I'm not.

Mr. BELLINO. You are an officer in Fishers Island?

Mr. WAKEFIELD. Yes, sir.

Mr. BELLINO. Would you tell us from whom the $300,000 deposit was received in 1969, when you were about to sell the property?

Mr. WAKEFIELD. I think that falls in my attorney-client relationship.

Mr. BELLINO. I am asking you as an officer, as a member of the board of directors, not as an attorney-client to Rebozo.

Mr. WAKEFIELD. I don't believe I was an officer at that time.

Mr. SIBLEY. Anything you have as an officer you have to expose, but if it comes by reason of your attorney-client relationship, you don't have to say anything.

Mr. BELLINO. Would you tell us about the $300,000 deposit your corporation received from Conden.

Mr. WAKEFIELD. The company did receive the deposit. Conden was originally known as W-u-e-s-t-o-f-f, the Wuestoff Co. and changed its name to Conden.

Mr. BELLINO. Who were the officers of that corporation?

Mr. WAKEFIELD. I don't know. I don't recollect.

Mr. BELLINO. Do you know anyone else connected with that company or corporation? Who was the lawyer that represented them?

Mr. WAKEFIELD. Voorhees, McGuire & Wells, in Orlando.

Mr. BELLINO. Did Senator Smathers have anything to do with that company?

Mr. WAKEFIELD. Not to my knowledge.

Mr. BELLINO. Did William Rebozo have anything to do with it?

Mr. WAKEFIELD. Yes; I believe that he was involved with Conden somewhere. I don't know how. I don't represent Mr. Billy Rebozo.

Mr. BELLINO. Why wasn't the $300,000 returned?

Mr. WAKEFIELD. Now, as an officer of the company, Conden Corp. defaulted in their contract approximately a year after that date, as a result of that default the deposit was forfeited.

Mr. BELLINO. What did the contract call for, sale of the property at a certain price? Were there any other restrictions? For instance, the building of a causeway before they would go ahead with the contract?

Mr. WAKEFIELD. There were no conditions.

Mr. BELLINO. In other words, these attorneys were ready to buy the properties from Fisher's Island without any condition, whether a causeway would be built or a bridge or anything?

Mr. WAKEFIELD. They had 1 year to buy it.

Mr. BELLINO. And they made no effort to protest the action that they were taking in retaining the $300,000?

Mr. WAKEFIELD. Not to my knowledge.

Mr. BELLINO. I believe you may have answered it, but I'd like to get it clear. Did President Nixon ever pay you a fee for anything other than what you did in connection with the land transactions?

Mr. WAKEFIELD. To tell the truth, I don't know.

Mr. BELLINO. Did Rebozo pay you any fee on behalf of the President?

Mr. WAKEFIELD. No.

Mr. BELLINO. Did he ever advance any funds on behalf of the President?

Mr. WAKEFIELD. I'll have to decline to answer that. Not as fees. Otherwise, I decline to answer that on the grounds of a privileged communication.

Mr. BELLINO. When you said you received your keys, I believe you said you put it in an envelope and you wrote the number of the box down. What else did you write on that envelope.

Mr. WAKEFIELD. I dont' believe anything else.

Mr. BELLINO. You didn't put Rebozo's name on it?

Mr. WAKEFIELD. I put Rebozo's name and the number.

Mr. BELLINO. Name and number, and anything else?

Mr. WAKEFIELD. I doubt it. I don't think so.

Mr. BELLINO. That's all. And did you know at the time when they gave you the key what was in the box?

Mr. WAKEFIELD. No, sir.

Mr. BELLINO. You only learned what was in the box in June of 1972—in June of 1973?

Mr. WAKEFIELD. 1973.

Mr. BELLINO. You never heard anything about it, no discussion?

Mr. WAKEFIELD. No discussion.

Mr. BELLINO. Suppose something happened to you, how would anyone know? The only thing—they would know that this box belonged to Rebozo. There is no other instructions that you had, if whatever was in the box didn't belong to anyone but Mr. Rebozo.

Mr. WAKEFIELD. That is right.

Mr. ARMSTRONG. Can we clarify one of the answers to Carmine's questions? Carmine asked whether there were expenditures made on behalf, by Mr. Rebozo, for the President—advanced any moneys on behalf of the President? You said you'd have to invoke the attorney-client privilege.

Mr. WAKEFIELD. Yes; as both clients.

Mr. ARMSTRONG. Was that a result of communication from your attorney-client relationship with the President, Mr. Rebozo as agent for the President, but also on your attorney-client relationship with Mr. Rebozo?

Mr. WAKEFIELD. That is right.

Mr. BELLINO. Did you ever have access to 224, at all, before June 1973, when the box was opened and the money counted?

Mr. WAKEFIELD. I presume I had access.
Mr. BELLINO. You had access to it?
Mr. WAKEFIELD. I was cosigner and deputy on the box.
Mr. BELLINO. Did you ever have access to it?
Mr. WAKEFIELD. Never went into it.
Mr. BELLINO. Do you have other boxes there at that bank?
Mr. WAKEFIELD. No; not personally.
Mr. BELLINO. And when you went to visit the board of directors' box, did you sign an access card?
Mr. WAKEFIELD. Yes, sir, I always signed it. I don't think I've been in it but a couple of times.
Mr. BELLINO. Were any of the funds—are you familiar with any of the funds being transferred from the Fisher's Island Corp., or the Cocolobo Key, or Harbor Terminal being transferred to Rebozo at any time?
Mr. WAKEFIELD. Not to my knowledge.
Mr. BELLINO. How many bank accounts did you have in the Key Biscayne Bank?
Mr. WAKEFIELD. Do I have, personally?
Mr. BELLINO. You and the firm.
Mr. WAKEFIELD. Wakefield, Hewitt & Webster trust account; Wakefield, Hewitt & Webster, attorney account; I have a personal account and I have a joint account with my wife.
Mr. BELLINO. That is all?
Mr. WAKEFIELD. I believe my children have accounts there.
Mr. BELLINO. Could you tell us how much was in your firm trust account that derived from sources, either Rebozo or the President? Just an overall figure; could you tell us that?
Mr. WAKEFIELD. I'd have to decline to answer, I believe, on the grounds of a privileged matter.
Mr. LENZNER. What's the difference between your attorney account and your trustee account? I don't quite understand that.
Mr. WAKEFIELD. We utilize our attorney account to pay our office expenses and all fees come into our attorney account. Expenditures—we spend no money on expenses out of the trustee account, except for clients.
Mr. ARMSTRONG. Can we catalog these accounts more definitively? In the Key Biscayne Bank & Trust account there's a Thomas H. Wakefield, special account, which you are signator with Mr. Rebozo. There's also a Wakefield, Hewitt & Webster trust account at the Key Biscayne Bank.
Mr. WAKEFIELD. Yes. And there's also another one—I'm going to answer to Mr. Bellino. There was a Thomas H. Wakefield escrow account.
Mr. ARMSTRONG. Was there also a Thomas H. Wakefield trust account, or is that just the escrow account?
Mr. WAKEFIELD. I believe there's a Thomas H. Wakefield trust account there.
Mr. ARMSTRONG. A Thomas H. Wakefield attorney account?
Mr. WAKEFIELD. I don't think there's a Thomas H. Wakefield, attorney account.
Mr. LENZNER. There's a Thomas H. Wakefield, Hewitt & Webster attorney account at the Key Biscayne Bank?

Mr. ARMSTRONG. And there's also a Thomas H. Wakefield and Betty B. Wakefield account at the Key Biscayne Bank.

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Is that all the accounts at the Key Biscayne Bank & Trust Co.?

Mr. WAKEFIELD. As relate to me and my family, personally, or my firm?

Mr. ARMSTRONG. We just have seven accounts. I believe the Thomas H. Wakefield trust account, that is on the First National Bank of Miami?

Mr. WAKEFIELD. There may be one in Key Biscayne, too.

Mr. ARMSTRONG. So we have six or seven accounts at Key Biscayne?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. And at the First National Bank of Miami, there is a Wakefield, Hewitt & Webster trust account. There's a Thomas H. Wakefield trust account?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. There's a Thomas H. Wakefield attorney account?

Mr. WAKEFIELD. Yes; right.

Mr. ARMSTRONG. Can you tell us, first of all, in the Wakefield, Hewitt & Webster trust account at the Key Biscayne Bank & Trust Co., do the records of that account include records which are covered by—you feel by—attorney-client privilege between yourself and President Nixon?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. And are there also records there that are covered by—from that account that are covered by—an attorney-client privilege between you and Mr. Rebozo?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. The Thomas H. Wakefield special account, as I understand it, the records—the records there are covered by a privilege with Mr. Rebozo, is that correct ——

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG [continuing]. As well as President Nixon?

Mr. WAKEFIELD. What are you talking about?

Mr. ARMSTRONG. I'm talking about the Thomas H. Wakefield special account at the Key Biscayne Bank.

Mr. WAKEFIELD. That's not related to Mr. Nixon.

Mr. LENZNER. On the trust account of the Key Biscayne Bank & Trust?

Mr. ARMSTRONG. Which trust account of the seven?

Mr. LENZNER. The Wakefield, Hewitt & Webster trust account, at the Key Biscayne Bank & Trust, are there records reflecting other clients in addition to President Nixon and Mr. Rebozo?

Mr. WAKEFIELD. Yes, the account is solely and exclusively for our clients.

Mr. LENZNER. For your clients? Were any of those accounts set up just for Mr. President Nixon and Mr. Rebozo, other than special accounts?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. At the Key Biscayne Trust Co., does the Thomas H. Wakefield escrow account include records that are covered by the attorney-client privilege between yourself and the President?

Mr. WAKEFIELD. Which account?

Mr. ARMSTRONG. The escrow account.

Mr. WAKEFIELD. I think it is an escrow agent, I don't know. That is a matter of public record. That account was opened for the account of the organizer of the Key Biscayne Savings & Loan Association.

Mr. ARMSTRONG. But doesn't it represent any funds of which Mr. Rebozo has an interest individually?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. In the Thomas H. Wakefield trust account at Key Biscayne Bank & Trust Co. ——

Mr. WAKEFIELD. I said I believe I do have an account there. It's so inactive, I don't believe I remember what it was for.

Mr. ARMSTRONG. Would it contain records which you would say were privileged between yourself and the President and Mr. Rebozo?

Mr. WAKEFIELD. No, myself and my client.

Mr. ARMSTRONG. But other than Mr. Rebozo and the President. And the Wakefield, Hewitt & Webster account on the Key Biscayne Bank was for office expenses, so there would be no records there that would be privileged regarding the President or Mr. Rebozo, is that correct?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. The Thomas H. Wakefield personal account and the Thomas H. Wakefield and Betty B. Wakefield personal account in the Key Biscayne Bank & Trust Co., do they include any records that are included in the privilege between the President and Mr. Rebozo?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. In the accounts at the First National Bank of Miami, the Wakefield, Hewitt & Webster trust account at the First National Bank of Miami, do they include records that would be privileged between yourself and President Nixon?

Mr. WAKEFIELD. I would say, yes; to the best of my recollection.

Mr. ARMSTRONG. And between yourself and Mr. Rebozo?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. In the Thomas H. Wakefield trust account at the First National Bank of Miami, would that include records that would pertain to attorney-client relationship between yourself and President Nixon?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Between yourself and Mr. Rebozo?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. In the Thomas H. Wakefield attorney account at the First National Bank of Miami, does that include any records that would be privileged between yourself and President Nixon?

Mr. WAKEFIELD. At the First National Bank; no. I might say that that account is one of the first accounts I opened when I started practicing law. I've never bothered to change the title. It is a personal account.

Mr. ARMSTRONG. Would it include any records that are privileged between yourself and Mr. Rebozo?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. I think that's all I have. Do you have any accounts in any other banks?

Mr. WAKEFIELD. Personal?

Mr. Armstrong. Personal or firm accounts?

Mr. Wakefield. I believe so.

Mr. Armstrong. Are you signator on any accounts to which Mr. Rebozo is also the signator, other than the Thomas H. Wakefield special account in the Key Biscayne Bank?

Mr. Wakefield. Correspondent accounts? Not to my recollection.

Mr. Armstrong. Are there any other bank accounts in which Rebozo has an interest other than those in his name in the Key Biscayne Bank & Trust Co., and those which we just discussed?

Mr. Wakefield. No.

Mr. Bellino. I believe Nicky Moncourt began working for Mr. Rebozo in 1970, is that about right, if you can recall?

Mr. Wakefield. I can't pinpoint when he hires people.

Mr. Bellino. Do you recall who was there before Nicky Moncourt, who was his bookkeeper or personal secretary, or whatever you might call her?

Mr. Wakefield. To tell you the truth, I don't know.

Mr. Bellino. Do you know a girl named Susan?

Mr. Wakefield. There's a Susan that's a secretary there now.

Mr. Bellino. Susan Bagadonis, was she there before?

Mr. Wakefield. The name doesn't come to me. I don't recollect anything from the name. There is a Susan there now.

Mr. Bellino. What is your best recollection as to who was there before?

Mr. Wakefield. I have forgotten. I've forgotten.

Mr. Bellino. Does Shamco—you were an officer in that?

Mr. Wakefield. Yes, sir; the president.

Mr. Bellino. How much is in there? What is your share or Mr. Rebozo's share in that company?

Mr. Wakefield. I think I've already answered Mr. Armstrong or somebody on that one. I said the two stockholders were Mr. Rebozo and Mr. McCrae and I serve as president. I think Mr. Hewitt is an officer.

Mr. Bellino. How long has that been in existence?

Mr. Wakefield. I did not form the company. It has been in existence a number of years.

Mr. Bellino. Approximately what number of years?

Mr. Wakefield. It may be 10 years. I don't know exactly.

Mr. Bellino. And what property is that—would that be involved in?

Mr. Wakefield. As the president, it's acquired—we have acquired—we have acquired maybe three lots—maybe four.

Mr. Bellino. Three lots? Whereabouts?

Mr. Wakefield. They are located off 27th Avenue, one block south of U.S. 1.

Mr. Bellino. Is that in Miami?

Mr. Wakefield. It's the city of Miami.

Mr. Bellino. South Miami?

Mr. Wakefield. No, it would be in the Coconut Grove area. Anything south of U.S. 1, in that area, is referred to as Coconut Grove.

Mr. Bellino. How much is involved in the cost of the property in respective shares? I'm asking as an officer of the corporation.

Mr. WAKEFIELD. Are you talking about the value of the property in the corporation?

Mr. BELLINO. How much was invested in the property owned by the corporation?

Mr. WAKEFIELD. I don't recollect exactly. It was maybe $30,000 for the three lots—or four.

Mr. BELLINO. Was that purchased as the result of some other transaction? Was it actually purchased as the result of some other transaction?

Mr. WAKEFIELD. No. Actually purchased.

Mr. BELLINO. And it is still held of the same.

Mr. WAKEFIELD. In the name of Shamco, I believe so.

Mr. BELLINO. Is this S-h-a-m-c-o?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Are you familiar with a Mr. Cravath, C-r-a-v-a-t-h?

Mr. WAKEFIELD. A Mary Cravath. I don't know them. I've heard of them.

Mr. ARMSTRONG. Have you had any business or financial transactions with the Cravaths, with Mr. and Mrs. Cravath?

Mr. WAKEFIELD. I have not. I have on behalf of a client.

Mr. ARMSTRONG. Has Mr. Rebozo had any business transactions with them?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. That included a sale of a piece of property to the Cravaths?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Can you tell us where that property was located?

Mr. WAKEFIELD. Johnson Drive, which is south of Miami.

Mr. ARMSTRONG. Have you had any business transaction with Catalina Pools, Inc.?

Mr. WAKEFIELD. I personally have not.

Mr. ARMSTRONG. Do you know, of your knowledge, if Mr. Rebozo has had any transactions with Catalina Pools?

Mr. WAKEFIELD. He undoubtedly did. I believe so.

Mr. ARMSTRONG. Did that include installation of a swimming pool?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Has the President had any business or financial transactions, to your knowledge?

Mr. WAKEFIELD. Not to my knowledge.

Mr. ARMSTRONG. Can you tell us the location of the swimming pool that Mr. Rebozo had installed?

Mr. WAKEFIELD. The actual location of the pool?

Mr. ARMSTRONG. Yes.

Mr. WAKEFIELD. I don't know its exact location.

Mr. ARMSTRONG. This is an original, do you have a copy of this?

Mr. LENZNER. While he is looking that up, were you aware that the pool was purchased on behalf of the President?

Mr. WAKEFIELD. I'll have to decline to answer that question on the grounds of confidential relationships between myself and Mr. Rebozo as an attorney-client.

[Recess.]

Mr. ARMSTRONG. Can you tell us when you became aware of any plan to install a pool at Mr. Rebozo's request?

Mr. WAKEFIELD. I don't recall an exact date, the end of October, the first of November 1972.

Mr. ARMSTRONG. And do you recall from whom you learned that the pool was to be installed?

Mr. WAKEFIELD. Mr. Rebozo.

Mr. ARMSTRONG. Did you discuss a pool with anybody else?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Did—other than signing checks, or expending funds on Mr. Rebozo's behalf, did you take any actions associated with the installation of the pool?

Mr. SIBLEY. I assume you spent money for the pool.

Mr. ARMSTRONG. Well, other than that, whether or not you did?

Mr. WAKEFIELD. I'll have to decline to answer on the grounds of privileged communication on behalf of my client.

Mr. ARMSTRONG. Can you identify these four checks drawn on the Wakefield, Hewitt & Webster trust account?

Mr. WAKEFIELD. Yes, those are my signatures.

Mr. ARMSTRONG. I believe one is signed by Mr. Hewitt, is that correct?

Mr. WAKEFIELD. Oh, yes.

Mr. ARMSTRONG. Do you recognize the check, however?

Mr. WAKEFIELD. It is a check against our trust account. It appears to be a copy.

Mr. ARMSTRONG. Can we have these four copies marked for identification?

[Whereupon, the documents referred to were marked Wakefield exhibits Nos. 5–A, 5–B, 5–C, for identification.*]

Mr. ARMSTRONG. Now, Mr. Wakefield, in referring to exhibit No. 5–A, a check drawn from the Wakefield trust account on November 20, 1972—you've already identified your signature—can you tell us on whose instruction that check was issued?

Mr. WAKEFIELD. I think I have to decline to answer the question on the grounds that any information on matters that concern that check is based on the confidential client relationship.

Mr. ARMSTRONG. And I believe in answer to an earlier question you answered you weren't sure of the location where the swimming pool was installed.

Now, having reference to exhibit 5–A and the check which makes reference to the deposit on the swimming pool contract for 500 Bay Lane, Key Biscayne, Fla., and it makes reference to Rebozo, C. G., below, can you tell us if that was issued and where that swimming pool was installed?

Mr. WAKEFIELD. The check bears the notation of 500 Bay Lane.

Mr. ARMSTRONG. What does that mean to you, that the pool was installed at that location.

Mr. WAKEFIELD. I would presume so, but you asked me the exact location. I don't know the exact location. I've never seen the pool.

Mr. LENZNER. Do you know how that information got on that check?

Mr. WAKEFIELD. No, my bookkeeper uses his own legends on checks to tie them into his records.

Mr. LENZNER. What I mean, does he receive instructions from anybody when he types up a check?

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* See pp. 11372–74.

Mr. WAKEFIELD. Sometimes from my secretary who will make up a request on a check.

Mr. LENZNER. Do you have any recollections of furnishing instructions to him with regard to this check?

Mr. WAKEFIELD. No. I wouldn't deny it. I don't know anything specific. I don't tell him what to put on the check, is what I'm saying.

Mr. LENZNER. Well, is he furnished with documents that would reflect the purpose and nature of checks when he types them?

Mr. WAKEFIELD. Sometimes, sometimes not.

Mr. LENZNER. Did you prepare any memorandum with regard to this check, to your recollection? Did you have any conversations with any agents or representatives of the President with regard to this check, check 5–A—or exhibit 5–A?

Mr. WAKEFIELD. With the President, no.

Mr. LENZNER. Or any of his agents or representatives?

Mr. WAKEFIELD. No.

Mr. LENZNER. And before, you refused to answer Mr. Armstrong's questions on the grounds of privileges as to whom instructed you to make out this check. Which client were you claiming privilege on behalf of?

Mr. WAKEFIELD. Mr. Rebozo.

Mr. LENZNER. And just so I get this straight, is it your understanding then that this check related to a matter that was related to Mr. Rebozo, rather than your other client, the President?

Mr. WAKEFIELD. Correct.

Mr. ARMSTRONG. Next to Mr. Rebozo's name on exhibit 5–A—to the left of his name—there are a series of numbers which appear to be the letter W, followed, W72M, capital MI–435. Can you tell us what those numbers mean?

Mr. WAKEFIELD. That would be a file code.

Mr. ARMSTRONG. Which is a file code?

Mr. WAKEFIELD. W means Wakefield, the year follows, MI is miscellaneous, and real estate would be RE, and so forth, and the name of the firm.

Mr. ARMSTRONG. So it's miscellaneous. Miscellaneous No. 435, then Mr. Rebozo's name. And so that file would be found in your firm's files in the segment that is identified as your files, miscellaneous, under Mr. Rebozo's name?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Is it customary for all checks out of the trust account to be so identified, to identify the file number that they relate to, or the transaction that they relate to?

Mr. WAKEFIELD. I don' know. As I stated, the bookkeeper uses his own code. He's not under any specific instructions.

Mr. ARMSTRONG. Is it customary to indicate the client involved in each check from that account?

Mr. WAKEFIELD. I know it is sometimes, but I wouldn't know whether it's done every time.

Mr. ARMSTRONG. Are you aware of any instances where the funds were expended on Mr. Rebozo's behalf, where it was not—on his instruction—where it was not so indicated?

Mr. WAKEFIELD. On this matter?

Mr. ARMSTRONG. On any matter.

Mr. WAKEFIELD. In 22 years, I just don't know.

Mr. ARMSTRONG. Do you recall any instances that Mr. Rebozo requested you make an expenditure on his behalf, with funds in which he had an interest, or at his instruction, in which he asked that he not be identified on the check?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Have you ever issued such instructions to your bookkeeper, that Mr. Rebozo—not to identify——

Mr. WAKEFIELD. Not to identify? No.

Mr. ARMSTRONG [continuing]. Mr. Rebozo?

Mr. WAKEFIELD. Not to my knowledge.

Mr. LENZNER. Before you go on, with regard to 5–A, which is $1,000, a $1,000 check dated November 20, 1972, do you know whether this check was paid for on behalf of individuals other than Mr. Rebozo?

Mr. SIBLEY. If your information——

Mr. WAKEFIELD. All information I have concerning that check, I stated it with my client, with Mr. Rebozo, and there was a privileged communication involved.

Mr. LENZNER. Do you know the origin source for the $1,000 represented in this check?

Mr. WAKEFIELD. I would have to answer in the same way as my previous answer.

Mr. LENZNER. Which is that you refuse to answer because of privilege on behalf of Mr. Rebozo?

Mr. WAKEFIELD. I respectfully decline to answer on the grounds it is privileged communication that involves attorney-client relationship.

Mr. LENZNER. I'm not asking for a communication, all I'm asking for is a "yes" or "no."

Mr. WAKEFIELD. Anything I know about that check is involved in my attorney-client relationship.

Mr. LENZNER. I understand that. I'm not asking for a communication; I'm just asking if you know, yes or no, the origin of the funds that are represented in this $1,000.

Mr. SIBLEY. If your knowledge comes from information supplied by your client, you cannot answer. If you know, otherwise, you can.

Mr. WAKEFIELD. I don't know, other than what Mr. Rebozo——

Mr. LENZNER. And do you know whether Mr. Rebozo applied any funds that he received, designated as campaign funds contribution, as part of this—$1,000—which would be in violation of the Federal Court Practice Act?

Mr. WAKEFIELD. I have no knowledge of any campaign activities of Mr. Rebozo, or campaign funds.

Mr. LENZNER. So you have no information that any of these funds, represented in the $1,000 check, originated with a campaign contribution. Do you know that to be untrue?

Mr. WAKEFIELD. What to be untrue, that they may have originated——

Mr. LENZNER. That part of these funds could have come from campaign contributions received by Mr. Rebozo.

Mr. WAKEFIELD. I don't know anything except that I received my instructions from my client, Mr. Rebozo. I received instructions; I received funds from him; I disbursed funds.

Mr. LENZNER. I understand that. I am asking, did you receive any information from Mr. Rebozo that would indicate to you that he violated the law by accepting campaign contributions and applying part of them to this $1,000 check?

Mr. WAKEFIELD. No; never. No.

Mr. LENZNER. And do you know that campaign contributions received by Mr. Rebozo were not applied as part of these funds?

Mr. WAKEFIELD. I think, based on what I said, I can't say what doesn't apply.

Mr. LENZNER. I am asking you, do you know—do have sufficient information to say that campaign funds were not applied to the $1,000 represented in this check?

Mr. WAKEFIELD. I don't have any information. There's no way I know.

Mr. LENZNER. You don't have any information one way or the other?

Mr. WAKEFIELD. No.

Mr. LENZNER. All right, now, did you ever discuss the construction of the pool as represented in check—in exhibit 5–A—with your other client, President Nixon?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Referring to exhibit 5–B, can you tell us on whose instruction that check was paid?

Mr. WAKEFIELD. The check was prepared at my instruction.

Mr. ARMSTRONG. Can you tell us at whose instruction the expenditure was made?

Mr. WAKEFIELD. At mine.

Mr. ARMSTRONG. Can you tell us on whose authority that expenditure was made?

Mr. WAKEFIELD. I made the expenditure on behalf of my client, Mr. Rebozo.

Mr. ARMSTRONG. And that also makes reference to 500 Bay Lane. That is check No. 169.

Mr. WAKEFIELD. No; it doesn't.

Mr. ARMSTRONG. I am sorry, that is check No. 171, dated December 18, 1972. It makes reference to final payment for construction of the swimming pool. Did you understand this to be the swimming pool?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. And similarly, for exhibit 5–C; that was also expended on behalf of Mr. Rebozo, and that makes reference to the same swimming pool, is that correct?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Now, making reference to exhibit 2, from Mr. Hewitt's executive session, here's the copy of the same check. A copy of check No. 170, on the Wakefield, Hewitt & Webster trust account, First National Bank of Miami. And that makes reference to payment upon installation of caulking and tile and makes reference to the same file number, W72MI, 435, Rebozo, C. G. Did you also understand

that to be a payment as part of the installation of the same swimming pool?

[Whereupon, the document referred to was marked Wakefield exhibit No. 5–D, for identification.[1]]

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Are you aware of any other funds expended at Mr. Rebozo's request, or on his behalf, for the installation of that swimming pool?

Mr. WAKEFIELD. I have to decline on the grounds of the privilege between myself and my client.

Mr. ARMSTRONG. Again, your client is Mr. Rebozo?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. Did you engage in any negotiations with the Catalina Pool Co., regarding this matter yourself?

Mr. WAKEFIELD. No, sir.

Mr. LENZNER. Did you review the contract of any such existence with that company?

Mr. WAKEFIELD. I may have.

Mr. LENZNER. You have no specific recollection of that?

Mr. WAKEFIELD. No; I don't.

Mr. LENZNER. Do you know if Mr. Rebozo received any reimbursement from—any help from—any other individual in regard to these payments?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Were you aware of the installation of outdoor carpeting in the area of the swimming pool that was installed in November of 1972?

Mr. WAKEFIELD. I believe so.

Mr. ARMSTRONG. And can you tell us from whom you gained that information?

Mr. WAKEFIELD. From my client, Mr. Rebozo.

Mr. ARMSTRONG. Did you have any discussions with any other individual regarding that?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. And can you identify check No. 9, on the Thomas H. Wakefield trust account, Key Biscayne Bank?

Mr. WAKEFIELD. This is First National Bank.

Mr. ARMSTRONG. Excuse me, First National Bank.

Mr. WAKEFIELD. Yes; that is my signature.

Mr. ARMSTRONG. Can we have that marked as exhibit 6?

[Whereupon, the document referred to was marked Wakefield exhibit No. 6 for identification.[2]]

Mr. ARMSTRONG. Were you also aware of the installation of a swimming pool heater for the same swimming pool; some time shortly after the installation of the pool?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Did you become aware of that also from Mr. Rebozo?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Did you have any discussion with the Belcher Oil Co. regarding its installation? Can you identify check No. 2917, drawn

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[1] See p. 11375.
[2] See p. 11376.

on the Wakefield, Hewitt & Webster trust account, drawn on the Key Biscayne Bank & Trust Co?

Mr. WAKEFIELD. That's a pretty bad one, but I think that would be my signature.

Mr. ARMSTRONG. The record should reflect that you are referring to the quality of the copy.

Mr. WAKEFIELD. Yes.

[Whereupon, the document referred to was marked Wakefield exhibit No. 7 for identification.[1]]

Mr. ARMSTRONG. This is a check to Belcher Oil Co. in the amount of $1,727.26, was also expended on behalf of Mr. Rebozo?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Can you identify the top check on this page, check No. 172, drawn on the Wakefield, Hewitt & Webster trust account at the First National Bank of Miami, payable to Climatrol, C-l-i-m-a-t-r-o-l Corp., in the amount of $1,500?

Mr. WAKEFIELD. Bad as it is, it appears to be my signature on the copy of the check.

Mr. ARMSTRONG. Was that for—again, on behalf of Mr. Rebozo?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. For a screen enclosure installed at 500 Bay Lane around a swimming pool.

Mr. WAKEFIELD. The check, I believe, states—what's on there doesn't refer to what it is for.

Mr. ARMSTRONG. I believe that is a better copy of the check. We'll have that marked as exhibit 8.

[Whereupon, the document referred to was marked Wakefield exhibit No. 8, for identification.[2]]

Mr. WAKEFIELD. Yes; and this is the letter I wrote to Climatrol.

Mr. ARMSTRONG. We can have that marked as exhibit 9. That is a letter which makes reference to an invoice for a screen enclosure, I believe, at 500 Bay Lane.

[Whereupon, the document referred to was marked Wakefield exhibit No. 9, for identification.[3]]

Mr. WAKEFIELD. It's addressed to Mr. Rebozo.

Mr. ARMSTRONG. Making reference to exhibit 8, and in light of exhibit 8 being the check for $1,500 to Climatrol—in the light of exhibit 9, it appears that exhibit 8 would be one check that was forwarded to Climatrol, one of the payments for the screen enclosure that exhibit 9 makes reference to?

Mr. WAKEFIELD. I would say yes.

Mr. LENZNER. You quickly pointed out, Mr. Wakefield, that exhibit 6, to Falls Carpet, was drawn on the Thomas H. Wakefield trust account at the First National Bank of Miami. I'm going to give that back to you. Can you explain why these other checks were drawn on—some of these other checks were drawn on—your account at the Key Biscayne Bank, and one of these checks, at least, was drawn on the trust account of the National Bank of Miami?

Mr. WAKEFIELD. They are all drawn on the First National.

Mr. LENZNER. Well, exhibit 7.

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[1] See p. 11377.
[2] See p. 11378.
[3] See p. 11379.

Mr. WAKEFIELD. Exhibit 8 is drawn on a different account than exhibit 6.

Mr. LENZNER. Why was it drawn down on two different accounts?

Mr. WAKEFIELD. Apparently he had more money in one account.

Mr. LENZNER. Was there any determination on your part of which account you would utilize for those expenditures?

Mr. WAKEFIELD. No particular determination.

Mr. LENZNER. And whose funds were they that you were drawing down against.

Mr. WAKEFIELD. My client's.

Mr. LENZNER. Mr. Rebozo?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. And to your knowledge, did he deposit those funds directly into that account?

Mr. WAKEFIELD. I think I have to decline to answer on the grounds it is privileged communication.

Mr. LENZNER. Well, have you seen documents or records of bank statements that would reflect such information?

Mr. WAKEFIELD. I have access to all my firm's bank accounts, all the accounts. As to seeing those specific ones, I don't know.

Mr. LENZNER. And those are records prepared by the First National Bank of Miami?

Mr. WAKEFIELD. The records prepared by them?

Mr. LENZNER. Yes; that they would reflect how the funds entered those two trust accounts, that you say were clients' funds.

Mr. WAKEFIELD. I would assume the records reflect something.

Mr. LENZNER. But what I'm saying is, you are testifying that you have seen records that would indicate——

Mr. WAKEFIELD. I said I had access to all my records when it came to my firm's accounts and my clients' moneys.

Mr. LENZNER. Well, would those records reflect Mr. Rebozo, in fact, deposited funds into those two accounts covered by those checks?

Mr. WAKEFIELD. My records?

Mr. LENZNER. Yes, sir.

Mr. WAKEFIELD. My records, yes.

Mr. LENZNER. Did he ever furnish you cash to deposit in those accounts?

Mr. WAKEFIELD. I am going to deline to answer on the grounds that is a communication between me and my client.

Mr. LENZNER. Did he ever furnish you cash that was received as campaign contributions? Did he deposit it in those accounts?

Mr. WAKEFIELD. No; not to my knowledge.

Mr. LENZNER. Are you saying that you know for a fact that none of the cash you received was received from a campaign contribution?

Mr. WARD. I'm going to object to the form of the question, Mr. Lenzner. He hasn't testified that he received any cash.

Mr. LENZNER. Well, he was so certain about the fact that none—whatever was put into the account was not a result of campaign contributions, that I wanted to find out how he made that determination.

Mr. SIBLEY. He said he had no knowledge.

Mr. LENZNER. Do you know one way or another? Did you receive information, one way or another, whether they were or were not campaign contributions?

Mr. WAKEFIELD. Not to my knowledge.

Mr. LENZNER. So the answer is "no," that you've never received any information with regard to that?

Mr. WAKEFIELD. No.

Mr. LENZNER. Now, showing you exhibit 7, you say you will not answer the question as to whether Mr. Rebozo furnished you with cash to be placed into his accounts?

Mr. WAKEFIELD. I think everything concerning the subject matter of these checks, between Mr. Rebozo and myself, is attorney-client and it is privileged.

Mr. LENZNER. Even the question of whether he furnished you cash to be deposited into these accounts?

Mr. WAKEFIELD. The question of whatever he furnished me is privileged.

Mr. LENZNER. Did any other individual that is not your client, furnish you with funds to be placed in this account on behalf of Mr. Rebozo?

Mr. WAKEFIELD. No.

Mr. LENZNER. Did President Nixon ever furnish any funds to be placed in the account?

Mr. WAKEFIELD. Are you talking about these two accounts?

Mr. LENZNER. Yes.

Mr. WAKEFIELD. No.

Mr. LENZNER. Now, if you'd look at exhibit 7, this was drawn on the Key Biscayne Bank, the Wakefield, Hewitt & Webster trust account of the Key Biscayne Bank. And this check, $1,727-and-some cents, dated February 20, 1973, can you identify whose signature that is? It is slightly obliterated.

Mr. WAKEFIELD. It certainly is.

Mr. LENZNER. Do you have a recollection of signing that check?

Mr. WAKEFIELD. No, I signed a number of checks.

Mr. LENZNER. Do you have any recollection as to why you drew that check down against the trust account at the Key Biscayne Bank, rather than the trust accounts at First National Bank of Miami?

Mr. WAKEFIELD. No; I don't.

Mr. LENZNER. You have no recollection, or do you have any recollection of having any discussions as to the decision in drawing against the Key Biscayne Bank as opposed to the First National Bank for that check?

Mr. WAKEFIELD. No.

Mr. LENZNER. Now, did there come a time when you were also instructed to pay out of your trust account, expenses to pay for oil for the heater at the pool?

Mr. WAKEFIELD. Do I recall what?

Mr. LENZNER. Receiving instructions to pay for the oil that was for the heater for the pool, under whose direction?

Mr. WAKEFIELD. Mr. Rebozo.

Mr. LENZNER. And who furnished you those instructions?

Mr. WAKEFIELD. Mr. Rebozo.

Mr. LENZNER. And were you instructed to furnish payment for heat for the pool on a continuing basis?

Mr. WAKEFIELD. No.

Mr. LENZNER. Just on one occasion?

Mr. WAKEFIELD. I don't know. I don't remember.

Mr. LENZNER. Were bills sent to you directly for that purpose?

Mr. WAKEFIELD. There may have been one or two, maybe three, but I did not pay it on a continuing, permanent basis, no.

Mr. LENZNER. It was not your understanding that it be paid on a continuing basis?

Mr. WAKEFIELD. No.

Mr. LENZNER. And were the bills sent directly to you, Mr. Wakefield, or to your law firm?

Mr. WAKEFIELD. I don't believe so.

Mr. LENZNER. How were they furnished to you?

Mr. WAKEFIELD. By Mr. Rebozo.

Mr. LENZNER. Did you understand that to be expense that Mr. Rebozo had incurred?

Mr. WAKEFIELD. I'll have to decline to answer on my attorney-client privilege and my understanding with my client.

Mr. LENZNER. Which client was that, sir?

Mr. WAKEFIELD. Mr. Rebozo.

Mr. LENZNER. Let's have this next check, which is check No. 184, on the Wakefield, Hewitt & Webster trust account on the First National Bank of Miami, in the sum of $141.87. Can you identify your signature on that copy of the check which will be marked exhibit 10.

Mr. WAKEFIELD. I think so. That is my signature, on check No. 184.

[Whereupon, the document referred to was marked Wakefield exhibit No. 10, for identification.*]

Mr. LENZNER. Now, you recall any other expenses, Mr. Wakefield, that were paid by the funds in your trust accounts on behalf of Mr. Rebozo?

Mr. WAKEFIELD. There could have been others, but I think I'll decline to respond. I can't recollect any offhand.

Mr. LENZNER. You're declining to respond because you can't remember?

Mr. WAKEFIELD. Yes.

Mr. SIBLEY. He'll have to claim his privilege on that.

Mr. LENZNER. Well, I'm talking about in the same period of time in late 1972 and early 1973. Do you recall other specific items that Mr. Rebozo requested you to pay from the trust accounts?

Mr. WAKEFIELD. I don't recall.

Mr. LENZNER. Do you recall any payment to a corporation called the Claggett Co.?

Mr. WAKEFIELD. I could have been requested to make payment for that.

Mr. LENZNER. Do you recall for what purpose that payment was made?

Mr. WAKEFIELD. No.

Mr. LENZNER. Do you recall the construction to houses at 500 and 516 Bay Lane, for which you furnished payment to the Claggett Co., I think in the amount of $6,508.11?

Mr. WAKEFIELD. I don't recall any details on it, no.

Mr. LENZNER. Do you recall——

Mr. WAKEFIELD. Making the payment? No; but I could have done it.

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*See p. 11380.

Mr. LENZNER. Do you recall receiving instructions to furnish such payment to Claggett from Mr. Rebozo?

Mr. WAKEFIELD. If I made it, then I got instructions to do it. I'm not trying to be cute.

Mr. LENZNER. But you have no recollection of it at this time?

Mr. WAKEFIELD. I don't recall, but I won't deny it.

Mr. LENZNER. I take it that the checks that we have just reviewed were part of a series of expense items that you do not remember the specifics of all the individual items?

Mr. WAKEFIELD. I think that would be correct.

Mr. LENZNER. Did you bring any records with you that would help you refresh your recollection at this time, as to other items that you did furnish payment?

Mr. WAKEFIELD. No; because I considered that immaterial, of which I became aware of, involved in, and became involved in because of my attorney-client relationship and I think it's privileged.

Mr. LENZNER. Do you recall furnishing any funds on behalf of President Nixon, in the amount of approximately $2,000 for the construction of a fireplace in the President's house in Key Biscayne?

Mr. WAKEFIELD. No; I don't recall anything of that nature.

Mr. LENZNER. Do you recall spending funds from the Wakefield trust accounts—the Wakefield, Hewitt & Webster trust accounts—for the construction of the fireplace.

Mr. WAKEFIELD. Not to my knowledge. I don't recall that.

Mr. LENZNER. Have you furnished cash to other individuals on behalf of Mr. Rebozo?

Mr. WAKEFIELD. No.

Mr. LENZNER. It's always been through the Wakefield trust accounts.

Mr. WAKEFIELD. Yes.

Mr. LENZNER. Now, I notice the expense items regarding the pool all began—a series of checks began in November of 1972. Did you have any discussions after the election of 1972 with regard to these expenditures, with Mr. Rebozo, or the President?

Mr. SIBLEY. Don't answer that question.

Mr. WAKEFIELD. I'd have to decline to answer on the grounds of privileged relationship.

Mr. LENZNER. Did you ever have any discussions with President Nixon after the 1972 election was over, with regard to the use of campaign contributions left over from the 1972 election to be used for expenses on his behalf in Key Biscayne, Fla.?

Mr. WAKEFIELD. No, sir.

Mr. LENZNER. Did you ever have such discussion with Mr. Rebozo?

Mr. WAKEFIELD. No, sir.

Mr. LENZNER. Did you ever have a discussion with President Nixon with regard to the use of funds in the Wakefield, Hewitt & Webster trust account to be used on his behalf at 500 and 516 Bay Lane?

Mr. WAKEFIELD. With Mr. Nixon, no, sir.

Mr. LENZNER. Or with any agent, representative, or designee of the President?

Mr. WAKEFIELD. No, sir.

Mr. LENZNER. Did you ever see anything in writing, to or from President Nixon, that would indicate notice to him that such funds were being spent on his behalf?

Mr. WAKEFIELD. No, sir.

Mr. LENZNER. Have you ever been advised that the President was aware that the funds in your trust accounts were being used on his behalf at 500 and 516 Bay Lane?

Mr. WAKEFIELD. No.

Mr. BELLINO. Mr. Wakefield, did you get a letter from Cooper and Lybrand, the auditors of the President, authorized to make an audit of his accounts?

Mr. WAKEFIELD. I have had no communication from them.

Mr. BELLINO. Never heard from them at all, in person or by letter? Did your firm get a letter?

Mr. WAKEFIELD. To my recollection, I don't believe we ever received communication from them.

Mr. BELLINO. Did you see the auditor's report, a copy of Cooper and Lybrand report?

Mr. WAKEFIELD. No; I haven't.

Mr. SIBLEY. What do they call this? How to take a chance. It's very celebrated to pass this poll around. I think this is really a little unusual. If one gets through one question, you go to another. I'm not complaining. You gentlemen have been very nice. See if you can't wind up. You'll wear yourself out. You've said everything you've wanted to say.

Mr. ARMSTRONG. I will try to finish, sir. Mr. Wakefield, just so the record will be clear, can you identify this check No. 173, drawn on the Wakefield, Hewitt & Webster trust account, drawn on the First National Bank of Miami?

Mr. WAKEFIELD. I don't believe I can identify the amount of the check, but the signature appears to be mine.

Mr. ARMSTRONG. It appears to be—I think it's a little clearer in the upper righthand corner where it is typed in. It appears to be $138.50. Above that, to the right, I think it is typed in.

[Whereupon the documents referred to were marked Wakefield exhibit No. 11, for identification.[1]]

Mr. WAKEFIELD. It looks like $13.50, but I won't argue about it.

Mr. ARMSTRONG. Mr. Wakefield, do you have exhibits 12, 13, and 14?

[Whereupon the documents referred to were marked Wakefield exhibits Nos. 12, 13, and 14, for identification.[2]]

Mr. WAKEFIELD. I have exhibit 12 before me.

Mr. ARMSTRONG. Do you also have 13 and 14, consecutively? Can you tell me if all three of those checks pertain to the sale of property by Mr. Rebozo to Mrs. Cravath?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Can you tell me if the President had any interest in this property?

Mr. WAKEFIELD. Not to my knowledge.

Mr. ARMSTRONG. Whether he received any proceeds or any benefits of the proceeds from the sale of this property?

Mr. WAKEFIELD. Not to my knowledge.

Mr. ARMSTRONG. Can you identify the deposit slip to the Thomas—to the Wakefield, Hewitt & Webster trust account at the First National Bank of Miami, Miami, Fla., dated August 17, 1973?

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[1] See p. 11381.
[2] See pp. 11382–84.

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. We should have that marked exhibit 15.

[Whereupon, the document referred to was marked Wakefield exhibit No. 15, for identification.*]

Mr. WARD. Is this both sides of the deposit slip?

Mr. ARMSTRONG. I believe it is page 2 that is a copy of the back side.

Referring to exhibit No. 15, it makes reference on the front side to—it says "Rebozo" under item 1. And then there appears two checks—what appear to be two checks. Deposits listed, one for $2,500 and one for $25,883.15. Can you tell us if both those checks were checks received on Mr. Rebozo's behalf?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Yes, they are?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. And the $25,883.15 check, I assume, pertains to the Cravath sale that's the same amount as the check Mr. Rebozo——

Mr. WAKEFIELD. They aren't related by any instrument, but I assume so.

Mr. ARMSTRONG. It's the same amount as in exhibit 13.

Mr. WAKEFIELD. Difference by $20 which is the abstract.

Mr. ARMSTRONG. Excuse me; yes. Can you tell me what the $2,500 check represents?

Mr. WAKEFIELD. I think that was the initial—I don't know. It was two checks, as the result of the closing, that I deposited.

Mr. ARMSTRONG. Both relate to the Cravath sale?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Do you recall if you were aware of any work done by Bartlett Construction Co. at 516 Bay Lane for an installation of a putting green in 1969?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Were you aware of the purchase of furniture—interior furnishings at 500 and 516 Bay Lane, from Rablen-Shelton, R-a-b-l-e-n hyphen S-h-e-l-t-o-n?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Were you aware of the payment of architectural fees to Little, Blair & Cokington—Blair is B-l-a-i-r—in 1969?

Mr. WAKEFIELD. No, sir.

Mr. LENZNER. If I could intercede here, with your permission, with one general question here. I think you said before I may be mistaken. You were aware of some expenses that were paid for in 1969. Is that incorrect?

Mr. WAKEFIELD. I think so.

Mr. LENZNER. Well, were you aware of any expenses paid for by Mr. Rebozo?

Mr. WAKEFIELD. I think the question you asked me before, was I aware of the disbursements made for my customer.

Mr. LENZNER. Is that how we got up to the White House in 1969?

Mr. WAKEFIELD. Right.

Mr. LENZNER. And were any of those disbursements related to expenditures? Were they expense items?

Mr. WAKEFIELD. I would say, "No."

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*See p. 11385.

Mr. LENZNER. They were made on behalf of Mr. Rebozo?

Mr. WAKEFIELD. Now you've got to go to a point in time.

Mr. LENZNER. 1969, I'm sorry.

Mr. WAKEFIELD. I made some disbursements for President Nixon.

Mr. LENZNER. Out of the trust account again?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. Now the expense items that were made out of the trust accounts on behalf—you say on behalf of President Nixon?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. From whose funds were those items paid out?

Mr. WAKEFIELD. I respectfully decline to answer on the grounds of privilege.

Mr. LENZNER. First of all, I can't remember the question I asked. And whose privilege are you exerting at this time?

Mr. WAKEFIELD. I think with Mr. Nixon. With the matters that you have asked, I am exerting it on behalf of the President and Mr. Rebozo.

Mr. LENZNER. And the question was: Whose funds were used to pay for expenses of the President?

Mr. WARD. That is not the question you asked. You asked him the question, whether he disbursed any funds on behalf of the President, and he declined to answer that question on the grounds of his privilege.

Mr. LENZNER. He said he had disbursed funds on behalf of the President, and then my question was, whose funds were they that you disbursed? And he declined to answer on grounds of privilege—grounds of the privilege related to the President and Mr. Rebozo. Can you tell us at whose instructions you disbursed those funds?

Mr. WAKEFIELD. On the instruction of my client, Mr. Rebozo.

Mr. LENZNER. And they were funds that were retained in your trust accounts. Do you remember which bank in regard to that?

Mr. WAKEFIELD. No.

Mr. LENZNER. It could have been the trust account at either Key Biscayne or First National, is that right, sir?

Mr. WAKEFIELD. Yes, or both.

Mr. LENZNER. Or both. And did these expenditures—when did these expenditures begin, approximately? What year? Can you put a year on it?

Mr. WAKEFIELD. December 1968.

Mr. LENZNER. Did they relate directly or indirectly to the purchase of the 500 and 516 Bay Lane properties?

Mr. WAKEFIELD. I think I have to decline to answer.

Mr. LENZNER. Did you receive any instructions in writing from either the President or Mr. Rebozo, or designated representative of either, with regard to expenditures of these funds?

Mr. WAKEFIELD. No.

Mr. LENZNER. Were these funds held?

Mr. WAKEFIELD. I don't believe so.

Mr. LENZNER. Is it possible you received something in writing in regard to this?

Mr. WAKEFIELD. You're talking about a communication in writing from President Nixon, or his attorney, or Mr. Rebozo?

Mr. LENZNER. Or his representative, with regard to these instructions.

Mr. WAKEFIELD. If I did, they were very inconsequential, that I remember.

Mr. LENZNER. And they related to matters that President Nixon had consulted with you with regard to your role as counsel?

Mr. WAKEFIELD. It is as his agent, as his attorney.

Mr. LENZNER. Did other individuals, besides Mr. Rebozo, furnish you with instructions with regard to such instructions on the President's behalf?

Mr. WAKEFIELD. No; except the attorney.

Mr. LENZNER. And that would include Mr. Ehrlichman on occasion? I think you indicated that prior to this.

Mr. WAKEFIELD. Whoever was in the office of counsel. You can name someone. Krogh—Ehrlichman was not at the office of counsel, but he was an assistant to the President.

Mr. LENZNER. Who was that, sir?

Mr. WAKEFIELD. I think he was counsel to the President.

Mr. LENZNER. I think that when he was counsel to the President that was his first position.

Mr. WAKEFIELD. Mr. Ehrlichman.

Mr. LENZNER. I meant, who would furnish you with instructions, on occasion, to expend funds for President Nixon?

Mr. WAKEFIELD. It was just one of those groups, one of those attorneys, or Mr. Rebozo.

Mr. LENZNER. Without belaboring the topic on occasion, do you recall specifically Mr. Krogh telling you to expend certain funds on behalf of the President?

Mr. WAKEFIELD. No; I wouldn't put it that way; no.

Mr. LENZNER. But you do recall Mr. Ehrlichman giving you such instructions on occasion?

Mr. WAKEFIELD. I think so.

Mr. LENZNER. Do you recall Mr. Morgan doing so?

Mr. WAKEFIELD. Not at the time. Not 1968; not 1969. I think he came later.

Mr. LENZNER. Were these funds that were used held?

Mr. WAKEFIELD. They could have been. I don't remember when he was——

Mr. LENZNER. Did you maintain any records of your own to reflect these expenditures and instructions that you were receiving?

Mr. WAKEFIELD. Other than my normal office records, no.

Mr. LENZNER. Did you ever file or furnish the President, or any representatives, a written report reflecting your carrying out these functions?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. You mean you would send him a memorandum reflecting the carrying out of these instructions?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. Who would you send that to, sir?

Mr. WAKEFIELD. I would send it to his tax adviser.

Mr. LENZNER. Who was that in 1968 and 1969?

Mr. WAKEFIELD. Vincent Andrews.

Mr. LENZNER. In New York?

Mr. WAKEFIELD. And later, Mr. Kalmbach, and Mr. DeMarco—that firm.

Mr. LENZNER. Kalmbach, DeMarco firm?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. Occasionally, did you send them to Arthur Blech?

Mr. WAKEFIELD. No.

Mr. LENZNER. These writings that you would furnish them, was the nature of the expenditure and the purpose of it on behalf of the President?

Mr. WAKEFIELD. I think so.

Mr. LENZNER. Did you always expend the funds by check rather than by cash?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. Did you maintain any kind of segregated or separate account so that these funds were held separately as opposed to other funds in the trust account?

Mr. WAKEFIELD. No, I don't think so.

Mr. LENZNER. Do you know if any of the funds that were utilized for those purposes were received in cash as campaign contributions?

Mr. WAKEFIELD. Not to my knowledge.

Mr. LENZNER. Do you know the origin or source of the funds that were used on behalf of the President, to your own knowledge and information?

Mr. WAKEFIELD. Some of them; probably all of them, I would guess.

Mr. LENZNER. From your own firsthand information and knowledge?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. And were they funds that were furnished by Mr. Rebozo for that account?

Mr. WAKEFIELD. I'll have to decline to answer that.

Mr. LENZNER. Can you tell us whether any other individuals, other than Mr. Rebozo and President Nixon, contributed to that account, who were not your clients?

Mr. WAKEFIELD. No.

Mr. LENZNER. The answer is "No"; nobody else besides President Nixon and Rebozo contributed to that account?

Mr. WAKEFIELD. Nobody else.

Mr. LENZNER. Do you know if any of the deposits to that account, by Mr. Rebozo and the President, were made in cash? Do you know?

Mr. WAKEFIELD. No, I don't know.

Mr. LENZNER. And you were drawing these debits down against the Wakefield, Hewitt—do you remember what the name of the accounts were, at that time, that you were using for these purposes?

Mr. WAKEFIELD. Yes. I was drawing against a Wakefield-Underwood trust account.

Mr. LENZNER. Is that the only one that you use for this purpose?

Mr. WAKEFIELD. I think Wakefield and Underwood had two or three trusts.

Mr. LENZNER. And were they all the First National Bank, or were some at the Key Biscayne Bank?

Mr. WAKEFIELD. No, Key Biscayne and First National.

Mr. LENZNER. And you say you reported to Mr. Andrews and then later to Mr. Kalmbach and then Mr. DeMarco, every one of these transactions that you handled for and on behalf of the President, is that correct?

Mr. WAKEFIELD. Right.

Mr. LENZNER. Did you, on occasion, ever purchase cashier's checks on, or out of, the account on behalf of the President—to be used on his behalf?

Mr. WAKEFIELD. No, not to my recollection.

Mr. LENZNER. All the checks were made out to specific payees for matters on behalf of the President—that occurred on behalf of the President?

Mr. WAKEFIELD. I would assume so. Sometimes in real estate transactions you are required to make cashiers' checks—sometimes not—but I don't recall.

Mr. LENZNER. I take it though that some of these expenditures would go beyond the purchase of real estate; isn't that correct?

Mr. WAKEFIELD. I'll have to decline that.

Mr. LENZNER. Did Mr. Rebozo, on occasion, obtain cashiers' checks on behalf of the President without hitting on the specifics?

Mr. WAKEFIELD. I'll have to decline to answer that.

Mr. LENZNER. Which client would that be?

Mr. WAKEFIELD. Mr. Rebozo.

Mr. LENZNER. Was it Mr. Rebozo who obtained cashiers' checks for expenses incurred on behalf of President Nixon?

Mr. WAKEFIELD. That would be Mr. Rebozo.

Mr. LENZNER. You won't answer on the grounds it's privileged with Mr. Rebozo?

Mr. WAKEFIELD. Right.

Mr. LENZNER. Do you know if Mr. Rebozo ever deposited any moneys, any cash, into vendors accounts at the Key Biscayne Bank & Trust to pay for expenses incurred by, or on behalf of, President Nixon?

Mr. WAKEFIELD. I have no knowledge.

Mr. LENZNER. Did you ever do so?

Mr. WAKEFIELD. No, sir.

Mr. LENZNER. Did you ever furnish any funds—any cash funds—to President Nixon or Mr. Rebozo?

Mr. WAKEFIELD. No, sir.

Mr. LENZNER. And you never utilized cash funds—any cash funds—on your behalf, on either Mr. Rebozo or President Nixon?

Mr. WAKEFIELD. I decline to answer on the grounds of my privilege between myself and my client.

Mr. LENZNER. Were you able to furnish funds on behalf of Mr. Rebozo?

Mr. WAKEFIELD. I decline, and cannot answer that.

Mr. LENZNER. Can you say whether you ever furnished funds or cash to vendors, on behalf of President Nixon, that would not be reflected in the checks?

Mr. WAKEFIELD. I never furnished cash to vendors—period.

Mr. LENZNER. Can you say whether there are other checks of any considerable number, in addition to the ones you reviewed today, or expenses incurred, at the instruction of Mr. Rebozo?

Mr. WAKEFIELD. You kind of lost me before you got through.

Mr. LENZNER. Can you recall whether there are additional checks, in considerable number, drawn on your trust accounts at the instruction of Mr. Rebozo, that you had not seen fit—in other words, is there

an additional series of checks that was outstanding that we have not shown you?

Mr. WARD. Do you mean that may have been drawn for any purpose?

Mr. LENZNER. No, that may have been drawn at Mr. Rebozo's instructions on these trust accounts?

Mr. WARD. For any purpose?

Mr. LENZNER. Between January 1, 1969, and the present.

Mr. WAKEFIELD. Not in a given matter, no.

Mr. LENZNER. But there are additional checks that we have not shown you, is that correct?

Mr. WAKEFIELD. We have a lot of matters, yes.

Mr. LENZNER. And do they include the expense items on 500 and 516 Bay Lane properties?

Mr. WAKEFIELD. Not to my recollection.

Mr. LENZNER. Are you certain of that?

Mr. WAKEFIELD. Pretty certain.

Mr. LENZNER. Do you know of any contracts or understanding that Mr. Rebozo had with President Nixon, whereby the expenditure of certain moneys on President Nixon's behalf as improvements and furnishings for the President on 500 and 516 Bay Lane properties?

Mr. WAKEFIELD. No, sir.

Mr. LENZNER. Did you ever discuss with any of the Presidential counsel that you mentioned, Mr. Ehrlichman, Mr. Krogh, Mr. Morgan, and others, Mr. Rebozo's role as a fundraiser after January 1, 1969?

Mr. WAKEFIELD. No, sir.

Mr. SIBLEY. You mean a campaign fund?

Mr. LENZNER. Well, raising funds for a campaign, or for perhaps other purposes. I hate to limit my questions.

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Mr. Wakefield, did Mr. Rebozo ever withdraw funds from any of the Wakefield, Hewitt, Webster trust accounts, or any of your trust accounts, directly by cashier's check, at your instruction, in his capacity as a bank president?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. In other words——

Mr. WAKEFIELD. There was no authorized signator on our account.

Mr. ARMSTRONG. In his capacity as bank president——

Mr. WAKEFIELD. That doesn't give him any right to touch my accounts.

Mr. ARMSTRONG. It is my understanding that on occasion a bank officer will draw a cashier's check on an account on the advice of—at the request of the authorized signator.

Mr. WAKEFIELD. Not to my knowledge, no.

Mr. ARMSTRONG. Did you become aware of any modifications or improvements—physical improvements—made to 500 or 516 Bay Lane?

Mr. WAKEFIELD. Did I become aware of physical improvements?

Mr. ARMSTRONG. Modifications made to the structure, the addition of offices or conversion of a garage into an efficiency apartment?

Mr. WAKEFIELD. I think in connection with that matter I have to decline to answer on the grounds of privilege.

Mr. ARMSTRONG. I'm just asking you if you ever became aware of it?

Mr. WAKEFIELD. I know.

Mr. ARMSTRONG. Can you tell us when your privileged communication—if you've become aware of it from any—have you had any source of information other than your client on the subject?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Can you tell us what that information is?

Mr. WAKEFIELD. Newspapers. There was broad publication at the time.

Mr. ARMSTRONG. Other than newspapers, were there any other?

[Mr. Wakefield nods in the negative.]

Mr. ARMSTRONG. Can you tell us, in that case, on behalf of what client?

Mr. WAKEFIELD. Other than the matters I consider privileged?

Mr. ARMSTRONG. Can you tell us on behalf of what client you are exerting that privilege?

Mr. WAKEFIELD. The President.

Mr. ARMSTRONG. Have you ever had any discussion with Mr. Rebozo on that subject?

Mr. WAKEFIELD. Possibly, but only in connection with his instructions on behalf of the President.

Mr. ARMSTRONG. Before, I believe, I asked if you represented the President in anything—in any other business or financial transactions—other than the acquisition of the 500 and 516 Bay Lane properties and the acquisition and sale of the Cape Florida Development properties. Is there any other matter in which you've represented the President?

Mr. WAKEFIELD. I don't think so.

Mr. ARMSTRONG. In other words, all the financial transactions in which you tried to discuss here and exerted the privilege, related to one of those two areas?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. In the period of January 1, 1969, up to May 15, 1973, did Mr. Robozo ever consult you regarding any matters related to gift tax?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Has he consulted you with regard to any matters related to tax, related to Internal Revenue Service taxation?

Mr. WAKEFIELD. You are talking about subject matters?

Mr. ARMSTRONG. Yes.

Mr. WAKEFIELD. Well, I think you're getting awfully close—I think I have to decline to answer on the grounds of privilege.

Mr. ARMSTRONG. Well, I'm not inquiring as to what the advice was or what the area was, just whether or not the tax questions came up within the——

Mr. WAKEFIELD. Possibly, possibly.

Mr. ARMSTRONG. Are you aware of any funds which Mr. Rebozo has expended in which he has not complied—he has expended on behalf of anyone, or funds he's given to anyone, in which he has not complied with the Federal gift tax, or filing the appropriate forms to the Internal Revenue Service?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Did you represent either the President or Mr. Rebozo in relation to the B & C Investment Corp.?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Can you tell us when you first became aware of the B & C Investment Corp.?

Mr. WAKEFIELD. I think he mentioned it to me once.

Mr. ARMSTRONG. Can you tell us when that was?

Mr. WAKEFIELD. No, I don't even remember.

Mr. ARMSTRONG. Was it before or after the sale of his share of B & C Investment Corp.?

Mr. WAKEFIELD. I don't know.

Mr. ARMSTRONG. Do you know if it was before or after the money was removed from the safety deposit box in the bank?

Mr. WAKEFIELD. I have no idea.

Mr. ARMSTRONG. You have no recollection of whether it was before or after that?

Mr. WAKEFIELD. I think it was before, but I don't know. I didn't pay any attention, because I wasn't——

Mr. ARMSTRONG. Did Mr. Rebozo indicate to you why he had to get out of the B & C Investment Corp.?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Are you acquainted with Mr. A. D. Davis of the Winn-Dixie Corp., or any of the Davis brothers who are principals in the Winn-Dixie Corp.?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Have you ever had any discussions with Senator Smathers relating to Mr. Rebozo's receipt, maintenance, and/or return of the $100,000?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. None whatsoever?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Have you ever discussed with Senator Smathers whether or not Mr. Rebozo was upset with you?

Mr. WAKEFIELD. With me?

Mr. ARMSTRONG. Yes.

Mr. WAKEFIELD. I might have. We get upset with each other every once in awhile.

Mr. ARMSTRONG. Well, can you tell us the nature of that conversation—the substance of that conversation?

Mr. WAKEFIELD. I don't even recollect it.

Mr. ARMSTRONG. Have you ever met with Mr. Richard Danner?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Can you tell us when you first met Mr. Danner?

Mr. WAKEFIELD. I don't recall exactly. Mr. Danner was city manager for the city of Miami, and I think we were in the chamber of commerce at the same time.

Mr. ARMSTRONG. Were you aware of any contributions which Mr. Danner gave to Mr. Rebozo, or facilitated to Mr. Rebozo at any time?

Mr. WAKEFIELD. No, not at the time.

Mr. ARMSTRONG. With the exception of the $100,000 from Mr. Hughes, are you aware of any now?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Have you ever represented Mr. Abplanalp?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. And is that in relationship to anything other than the acquisition of property in the Florida area?

Mr. WAKEFIELD. Not to my knowledge.

Mr. ARMSTRONG. Does that just include the property in Bay Lane? Did you represent him in that matter, the acquisition?

Mr. WAKEFIELD. At the time that he purchased his home, yes.

Mr. ARMSTRONG. Did you represent him in any other matters?

Mr. WAKEFIELD. Yes, other real estate matters.

Mr. ARMSTRONG. And were those matters in which Mr. Rebozo was also a partner—in which Mr. Rebozo was also a principal?

Mr. WAKEFIELD. One of them, yes.

Mr. ARMSTRONG. And is that the Matheson property, then?

Mr. WAKEFIELD. Yes; the Matheson estate.

Mr. ARMSTRONG. And is that what Mr. Rebozo and Mr. Abplanalp were each 50 percent partners in—half and half?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Was that purchased in November of 1973 or December of 1973?

Mr. WAKEFIELD. I believe that was the date. Sometime in December.

Mr. ARMSTRONG. Was the other matter—did you also represent Mr. Abplanalp on the purchase of the property adjacent to that site in Key Biscayne?

Mr. WAKEFIELD. I represented Precision Valve Corp.

Mr. ARMSTRONG. Did you represent Mr. Abplanalp in any acquisition of property apart from Precision Valve?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Did the piece that Mr. Abplanalp and Mr. Rebozo, and the Precision Valve property, and the Bay Lane property—are those all the matters in which you were representing Mr.——

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Can you tell us how long before the acquisition of the property, the Matheson property by Mr. Rebozo and Mr. Abplanalp it was originally anticipated? How much prior to this acquisition it was initially—the purchase was anticipated?

Mr. WAKEFIELD. I decline to answer that.

Mr. SIBLEY. What are you talking about?

Mr. ARMSTRONG. Can you tell us when an individual first discussed the purchase of that property?

Mr. WAKEFIELD. What was that again?

Mr. ARMSTRONG. Can you tell us when any individual first discussed the purchase of the Matheson property?

Mr. WAKEFIELD. With me?

Mr. ARMSTRONG. Yes, sir.

Mr. WAKEFIELD. Probably 4 or 5 years ago.

Mr. ARMSTRONG. And who was that, sir?

Mr. WAKEFIELD. My client, Mr. Rebozo.

Mr. ARMSTRONG. Were you aware of Mr. Rebozo securing any loans for purchase of that property, prior to December 1973, prior to its purchase?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Were you aware of any loans between Mr. Abplanalp and Mr. Rebozo, between the Precision Valve Corp. and Mr. Rebozo?

Mr. WAKEFIELD. No; none that I handled.

Mr. ARMSTRONG. Are you aware of a few that you didn't handle?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Are you aware of a $225,000 loan, in November of 1972, from Precision Valve Corp. to Mr. Rebozo?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Were you aware of a $225,000 loan from Hudson Valley National Bank to Mr. Rebozo in November of 1972?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Were you aware of any purchasing of property of a value of approximately $200,000 in November or December of 1972 by Mr. Rebozo?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Can you tell us the location of that property?

Mr. WAKEFIELD. That is located on Crandon Boulevard.

Mr. ARMSTRONG. Is that adjacent to the piece that Mr. Abplanalp and Mr. Rebozo joined in?

Mr. WAKEFIELD. Seven hundred fifty feet, yes.

Mr. ARMSTRONG. The one that Precision Valve owns?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. Those three pieces are contiguous?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. On January 16, 1974, we discussed a loan from the Key Biscayne Bank & Trust Co. to Mr. W. A. Baraket and at that time you said that you did not specifically recall the November 1971 loan to Mr. Baraket of $219,000, in my notes. Have you subsequently learned of or received any information on that land?

Mr. WAKEFIELD. Not subsequent to our discussion.

Mr. ARMSTRONG. Do you recall any information that you had prior to our discussion that you didn't recall at that time?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Are you aware of any loans from Mr. Baraket to Mr. Rebozo?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Regarding the sale of the Cape Florida Development property to Mr. Griffin, can you tell me when you first learned that the President intended to sell the property to anyone, that the property was for sale?

Mr. WAKEFIELD. December, I believe.

Mr. ARMSTRONG. Of 1970——

Mr. WAKEFIELD. Of 1972.

Mr. ARMSTRONG. That was the same month that Mr. Griffin purchased the property?

Mr. WAKEFIELD. Yes.

Mr. ARMSTRONG. And can you tell us when the property was originally purchased by the President; what understanding, if any, you had with the ownership of the property when the President first purchased the property, as to who owned the property?

Mr. WAKEFIELD. As far as I know I represented the President.

Mr. ARMSTRONG. And subsequently did you become aware that anyone had a proprietary interest in that property?

Mr. WAKEFIELD. I've never been advised.

Mr. ARMSTRONG. You were never advised that Tricia Nixon Cox had an interest in that property?

Mr. WAKEFIELD. Not to my knowledge.

Mr. ARMSTRONG. After the sale of the property to Mr. Griffin, did you become aware of what happened to the proceeds after they were disbursed to the President?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. Were you ever aware of a loan from the President to Mr. Rebozo of $65,000 in March of 1973?

Mr. WAKEFIELD. No.

Mr. ARMSTRONG. OK; I think we're about done. Let me make sure that he is happy.

[Recess.]

Mr. LENZNER. I'm still not clear with regard to the instructions that were established for the expenditure of moneys on behalf of the President. Did the President ever furnish you with specific instructions with regard to that in 1969?

Mr. WAKEFIELD. I don't think so.

Mr. LENZNER. Did you ever discuss that with the President? For example, Mr. Rebozo's role on the President's behalf?

Mr. WAKEFIELD. I was under instructions that Mr. Rebozo would give me the instructions, yes, on behalf of the President.

Mr. LENZNER. And did the President give you those instructions?

Mr. WAKEFIELD. Mr. Ehrlichman, I believe.

Mr. LENZNER. Did you ever discuss the subject of Mr. Rebozo acting as the President's agent, with the President himself?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. When was that, sir?

Mr. WAKEFIELD. It would have been Inauguration Day of 1969, or the day after, I believe.

Mr. LENZNER. And where was that?

Mr. WAKEFIELD. At the White House.

Mr. LENZNER. And were you there at the President's request?

Mr. WAKEFIELD. Invitation.

Mr. LENZNER. And where, physically, was the meeting held?

Mr. WAKEFIELD. Just off to the side in a room.

Mr. LENZNER. Were other people in the room?

Mr. WAKEFIELD. They could have been, but nobody heard.

Mr. LENZNER. In what room was it?

Mr. WAKEFIELD. I'm sure there were people all over the place.

Mr. LENZNER. Was this at some kind of a function or social gathering?

Mr. WAKEFIELD. Yes; at a reception for his staff, on his behalf.

Mr. LENZNER. And the President pulled you aside?

Mr. WAKEFIELD. With respect to Mr. Rebozo.

Mr. LENZNER. Was anybody else part of that conversation?

Mr. WAKEFIELD. I don't think so.

Mr. LENZNER. Do you have any recollection of any of the staff employees, or Mr. Rebozo, being present?

Mr. WAKEFIELD. He was present. He was standing there.

Mr. LENZNER. Who?

Mr. WAKEFIELD. Mr. Rebozo.

Mr. LENZNER. Anybody else?

Mr. WAKEFIELD. No.

Mr. LENZNER. And can you describe what the conversation was?

Mr. WAKEFIELD. I don't think I should, under the privileged communication.

Mr. LENZNER. Was a Secret Service agent within hearing of this conversation?

Mr. WAKEFIELD. I don't think so.

Mr. LENZNER. Now, was this before or after your meeting with Mr. Ehrlichman?

Mr. WAKEFIELD. This was before.

Mr. LENZNER. And was this the first time that you had discussed that subject with anybody; the subject of Mr. Rebozo acting as the President's agent?

Mr. WAKEFIELD. To the best of my recollection, I believe so.

Mr. LENZNER. And were you asked for any specific legal advice or counsel at that meeting with the President?

Mr. WAKEFIELD. I was told to do things; that's all.

Mr. LENZNER. You were given some instructions?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. Did the instructions result in you going back and doing any legal research?

Mr. WAKEFIELD. No, I don't think so. I doubt it. I don't think I had to do any research.

Mr. LENZNER. Were the instructions general instructions?

Mr. WAKEFIELD. I did have to do some. I did some research.

Mr. LENZNER. Can you describe the research you did as a result of the instructions the President gave you?

Mr. WAKEFIELD. I researched the law.

Mr. LENZNER. In any specific area?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. What areas?

Mr. WAKEFIELD. Metropolitan Dade County Code.

Mr. LENZNER. And did it relate to the purchase of property?

Mr. WAKEFIELD. No.

Mr. LENZNER. You say it did not?

Mr. WAKEFIELD. No.

Mr. BELLINO. What did that have to do with expenditures?

Mr. WAKEFIELD. Nothing really.

Mr. BELLINO. Why did you have to look up the code?

Mr. WAKEFIELD. I didn't know he was still on expenditures.

Mr. LENZNER. Did the discussion with Mr. Rebozo and the President the day after the inauguration relate to instructions regarding expenditures on the President's behalf?

Mr. WAKEFIELD. Not by me.

Mr. LENZNER. I didn't say by you. Any expenditures on behalf of the President?

Mr. WAKEFIELD. I was given instructions concerning matters which did result in expenditures.

Mr. LENZNER. Incurred on behalf of the President?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. And the instructions of Mr. Rebozo?

Mr. WAKEFIELD. I received instructions from Mr. Rebozo, yes, concerning those matters.

Mr. LENZNER. But what I'm trying to establish is, the day after the inauguration, in essence, were you instructed by the President that Mr. Rebozo would henceforth be his agent and incur expenditures on his behalf?

Mr. WAKEFIELD. I don't think it was put exactly that formal, but it was put to me—the gist, yes.

Mr. LENZNER. Can you describe it in your own words to the best of your recollection?

Mr. WAKEFIELD. I think I'll decline to answer on the grounds of——

Mr. LENZNER. Declining on the grounds of which client now, sir?

Mr. WAKEFIELD. The President and Mr. Rebozo.

Mr. BELLINO. You've already answered that question a few minutes ago.

Mr. WARD. Then it's been answered. Then it's repetitious.

Mr. LENZNER. Did you want to add anything to the record, Mr. Wakefield?

Mr. WAKEFIELD. No, sir.

Mr. LENZNER. Can you relate any part of that conversation you had the day after the inauguration?

Mr. WAKEFIELD. No, sir.

Mr. LENZNER. You cannot, and because of attorney-client privilege on behalf of President Nixon and Mr. Rebozo?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. But it did relate somehow to actions that you took, which related also to expenditures on behalf of the President?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. And it was a result of that meeting that you understood, henceforth, that Mr. Rebozo was empowered to act as the President's agent?

Mr. WAKEFIELD. I would say "yes" to that.

Mr. LENZNER. And that somehow his agency related also to your representation of the President in legal matters?

Mr. WAKEFIELD. His agency related to the President.

Mr. LENZNER. In other words, what I am saying, that Mr. Rebozo's specific instructions thereafter are also privileged because they relate to matters that you represented the President in?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. That is your position, as I understand it, is that correct?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. That question, as I asked it, was confusing. Was Mr. Rebozo's agency, as described by the President the day after the inauguration, related to your representation of the President in legal matters?

Mr. WAKEFIELD. I had represented the President prior to that time.

Mr. LENZNER. Yes, sir, I understand that, but the instructions you got, regarding Mr. Rebozo's agency, related directly to your representation of the President with regard to legal matters?

Mr. WAKEFIELD. Yes, I think so.

Mr. LENZNER. Is there any doubt in your mind about that?

Mr. WAKEFIELD. No.

Mr. LENZNER. Now the instructions you received from Mr. Rebozo with regard to the President, did that continue through 1969–70, 1971, and 1972?

Mr. WAKEFIELD. I assume so, yes.

Mr. LENZNER. But, I mean, do you recall today receiving instructions in 1970 and 1971 from Mr. Rebozo relating to expenditures on behalf of President Nixon?

Mr. WAKEFIELD. No, not during these years.

Mr. LENZNER. Did the great bulk of expenditures, on behalf of the President, occur in 1969 and after the November election in 1972?

Mr. WAKEFIELD. Mostly in 1969.

Mr. LENZNER. Mostly in 1969?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. Can you give us an approximate figure of—approximately how much was expended on behalf of the President in 1969?

Mr. WAKEFIELD. I don't know.

Mr. LENZNER. But you did report those expenditures to either Mr. Anderson or Mr. Kalmbach?

Mr. WAKEFIELD. The ones I made; yes.

Mr. LENZNER. Did you know of any expenditures that other people were making on behalf of the President?

Mr. WAKEFIELD. Yes; security measures were taken by the Government agencies.

Mr. LENZNER. Other than the Government—I mean private individuals?

Mr. WAKEFIELD. No.

Mr. LENZNER. And can you testify that expenses paid on behalf of the President on 500 and 516 Bay Lane came from either instructions from Mr. Rebozo to you, or Government financing? In other words, there were no other private finance expenses to your knowledge?

Mr. WAKEFIELD. Oh, yes; the President has a mortgage on both of those houses.

Mr. LENZNER. Did you represent him in obtaining those mortgages?

Mr. WAKEFIELD. Yes; I did. One was a purchase money mortgage and one was—well, there were two purchase money mortgages, and then the refinancing.

Mr. LENZNER. And did Mr. Rebozo incur any obligations with regard to loans and mortgages at the time the President purchased those properties?

Mr. WAKEFIELD. Did Mr. Rebozo——

Mr. LENZNER. Did he have any role to play in regard to the loans, or the mortgages, that the President obtained for the purchase of 500 and 516 Bay Lane?

Mr. WAKEFIELD. I don't know.

Mr. SIBLEY. If that comes from information that comes from the clients, then you can't answer.

Mr. LENZNER. The answer is, you don't know?

Mr. WAKEFIELD. I don't know.

Mr. LENZNER. Did you represent the President with regard to a loan obtained from the First National Bank of Miami?

Mr. WAKEFIELD. No.

Mr. LENZNER. Are you aware——

Mr. WAKEFIELD. I'm aware of it.

Mr. LENZNER. What information did you receive with regard to the loan obtained from the First National Bank of Miami, the proceeds of which, I understand, were used to purchase, in part, the 500 and 516 Bay Lane properties?

Mr. WAKEFIELD. I believe the proceeds were deposited in our trust account.

Mr. LENZNER. To the Wakefield and Underwood?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. And deposited by whom, sir?

Mr. WAKEFIELD. I don't know; it was from the bank. I got a credit advise.

Mr. LENZNER. Were you apprised of that, or were you told by somebody that that was going to happen?

Mr. WAKEFIELD. That there was going to be a loan made at the bank and the proceeds put in my account?

Mr. LENZNER. Yes, sir.

Mr. WAKEFIELD. No; I didn't know the details.

Mr. LENZNER. Were you apprised?

Mr. WAKEFIELD. Except in the vague way that the money would be put at my disposal.

Mr. LENZNER. Well, was it put at your disposal—for what purpose?

Mr. WAKEFIELD. Acquisition of a home.

Mr. LENZNER. And was it so used?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. At whose instruction?

Mr. WAKEFIELD. Instructions of my client.

Mr. LENZNER. Mr. Rebozo and President Nixon?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. And do you know whose loan that was?

Mr. WAKEFIELD. No; I didn't handle it.

Mr. LENZNER. You mean you don't know who was obligated on the loan?

Mr. WAKEFIELD. No.

Mr. LENZNER. Do you know who paid it back? Do you know if it was paid back?

Mr. WAKEFIELD. No; I don't know anything about it.

Mr. LENZNER. You've never seen the note papers?

Mr. WAKEFIELD. No.

Mr. LENZNER. Did you have a discussion with the President or Mr. Rebozo with regard to that loan?

Mr. WAKEFIELD. No.

Mr. LENZNER. Who first told you that the proceeds were going to be put into your account—your trust account?

Mr. WAKEFIELD. That's a communication from my client.

Mr. LENZNER. Therefore you cannot answer?

Mr. WAKEFIELD. Therefore I can't answer.

Mr. LENZNER. I thought you said before you didn't discuss with President Nixon or Mr. Rebozo the existence of that loan?

Mr. WAKEFIELD. The existence or the making of the loan, I did not discuss the making of the loan, but when the money went in my account, I was told. I received instructions from my client.

Mr. LENZNER. Can you describe which client that is?

Mr. WAKEFIELD. Mr. Rebozo.

Mr. LENZNER. Did you discuss that loan with President Nixon?

Mr. WAKEFIELD. No.

Mr. LENZNER. Do you remember when Mr. Rebozo discussed that transaction with you?

Mr. WAKEFIELD. Not exactly. I presume it was in 1968—December.

Mr. LENZNER. As a matter of fact it was prior to the time that President Nixon advised you that Mr. Rebozo was going to act as his agent, was it not?

Mr. WAKEFIELD. At that meeting, yes.

Mr. LENZNER. In fact it was December—approximately, as I understand it, December 18, 1968, that loan was made and you met with President Nixon first, after the inauguration, and then you met—later met—with Mr. Ehrlichman?

Mr. WAKEFIELD. Right.

Mr. LENZNER. So at that time, December 1968, to your knowledge, Mr. Rebozo—you had not received instructions, at that time, that Mr. Rebozo was acting as the President's agent?

Mr. WAKEFIELD. I was acting at that time for Mr. Rebozo.

Mr. LENZNER. And is it your testimony that it was your understanding that that loan was a loan for your client, Mr. Rebozo?

Mr. WAKEFIELD. I didn't handle the loan at the bank so I have no understanding. I was informed that I would have money in my account to close the transaction from the account of Mr. Rebozo.

Mr. LENZNER. From Mr. Rebozo's account?

Mr. WAKEFIELD. Right. Well, I don't know. I got accredited—a credit advise—and I was under instruction from Mr. Rebozo with respect to the transaction and closing.

Mr. LENZNER. And did you understand who was purchasing the house and upon whose benefit these proceeds were going to be used?

Mr. SIBLEY. That information came by reason of your attorney-client privilege.

Mr. WAKEFIELD. Right.

Mr. LENZNER. What client would that be?

Mr. WAKEFIELD. Mr. Rebozo.

Mr. LENZNER. That is Mr. Rebozo acting on behalf of another individual whose identity was unknown to you, is that correct?

Mr. WAKEFIELD. Identity unknown?

Mr. LENZNER. Yes, sir.

Mr. WAKEFIELD. The question involves a communication with my client, and I'll claim under the privileged information.

Mr. LENZNER. Were you representing your client in the purchase of 500 and 516 Bay Lane?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. Did you receive a fee from Mr. Rebozo?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. You received a fee from Mr. Rebozo with regard of the purchase of 500 and 516 Bay Lane?

Mr. WAKEFIELD. Yes; my recollection is—yes.

Mr. LENZNER. Was it your understanding that Mr. Rebozo was going to purchase that property?

Mr. WAKEFIELD. I decline to answer on the grounds of my client's privilege.

Mr. LENZNER. When did you first learn, Mr. Wakefield, the President owned 500 and 516 Bay Lane?

Mr. SIBLEY. If you got that through communications with attorney and client, decline to answer.

Mr. WAKEFIELD. Let me consult my attorney.

Mr. ARMSTRONG. The question, incidentally, is when?

Mr. WAKEFIELD. I actually decline to answer on the grounds that it is privileged communication.

Mr. LENZNER. The question was, when did you learn that the President owned 500 Bay Lane—500 and 516 Bay Lane?

Mr. SIBLEY. Yes, sir. I instructed him, though, if he acquired the information with reference to the time the President acquired the property, if the President acquired the property through communication from his client, then he is not to answer.

Mr. LENZNER. Did you ever receive confirmation that the President owned these properties, from a source other than the clients, Mr. Rebozo or President Nixon?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. And when was that, sir?

Mr. WAKEFIELD. The record of Dade County.

Mr. LENZNER. When was that, sir?

Mr. WAKEFIELD. During December.

Mr. LENZNER. Of 1968?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. And I take it you were involved in the transaction and that you were handling some of the records; is that correct?

Mr. WAKEFIELD. I handled the transactions with the account of Mr. Rebozo.

Mr. LENZNER. For which Mr. Rebozo paid you a fee; is that correct?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. Even though Mr. Rebozo paid your fee, in December of 1968, you were aware then that it was actually the President who was purchasing the property, from the records?

Mr. WAKEFIELD. I decline to answer.

Mr. LENZNER. From the record, I said. You were aware when Mr. Rebozo paid you a fee for the public records that you just referred to, that the President owned the property?

Mr. SIBLEY. The time he paid the fee and the time you heard it from your client, that may be cats of a different kitten. You're hanging that on some incidental.

Mr. LENZNER. I don't think it is worthwhile to belabor it, frankly. How were the proceeds transmitted that were placed in your trust account—from the trust account to the payees? Were they in cash or by check?

Mr. WAKEFIELD. By check.

Mr. LENZNER. Were they split up between Senator Smathers and, I think, Arcott? Do you recall?

Mr. WAKEFIELD. I've handled his first transactions from my trust accounts to the source.

Mr. LENZNER. Per Mr. Rebozo's instructions?

Mr. WAKEFIELD. Right.

Mr. LENZNER. And did you ever receive any information thereafter as to where the funds came from that repaid that loan?

Mr. WAKEFIELD. No, sir.

Mr. LENZNER. And did you ever receive information, other than from Mr. Rebozo or the President, as to who was primarily obligated on that loan?

Mr. WAKEFIELD. I have no knowledge of that.

Mr. LENZNER. Do you know of the amount of that loan? Was it approximately $65,000 that was deposited in your trust account?

Mr. WAKEFIELD. I think that was the approximate amount that went into my trust account, yes.

Mr. LENZNER. Do you know how long it was before you disbursed those funds after they arrived in your account?

Mr. WAKEFIELD. No.

Mr. LENZNER. Who placed the funds in your account? Did you say already that it was Mr. Rebozo, or don't you know?

Mr. WARD. He said it was accredited to his account.

Mr. LENZNER. Did you say who handled that?

Mr. WAKEFIELD. No.

Mr. LENZNER. Did you ever speak with Mr. John Dean with regard to expenditures on behalf of the President?

Mr. WAKEFIELD. No.

Mr. LENZNER. Did these expenditures include expenses incurred in San Clemente?

Mr. WAKEFIELD. No.

Mr. LENZNER. Were they solely limited to the properties at 500 and 516 Bay Lane?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. Were any expenses incurred regarding—at the instruction of Mr. Rebozo, regarding his house here in Maryland that he recently sold?

Mr. WAKEFIELD. No.

Mr. LENZNER. Were any expenses incurred, or funds paid, to, or on behalf of, Miss Rose Mary Woods?

Mr. WAKEFIELD. From my trust account, no.

Mr. LENZNER. Or for F. Donald Nixon?

Mr. WAKEFIELD. No.

Mr. LENZNER. Or to, or on behalf of, Mr. Edward Nixon?

Mr. WAKEFIELD. No.

Mr. BELLINO. One question. These expenditures that you have been discussing, do you have reference to only the acquisition of the property in Key Biscayne, or are you referring to remodeling and renovations to those properties? Could you at least tell us whether it just involved the acquisition of them?

Mr. WAKEFIELD. I think I have to decline to answer, Mr. Bellino, on the grounds of my client's privilege.

Mr. LENZNER. After you first discussed it with the President, the day after the inauguration, did you thereafter have further communications or discussions with President Nixon with regard to these matters?

Mr. WAKEFIELD. I don't believe so, except through his attorney.

Mr. LENZNER. OK, sir. Prior to this meeting today, as you did with Mr. Frates, did you attempt to contact counsel for the White House to determine if you could testify; that they would waive the attorney-client privilege relating to these matters?

Mr. WAKEFIELD. I thought—I spoke with Mr. Buzhardt.

Mr. LENZNER. When was that, sir?

Mr. WAKEFIELD. He didn't specifically refuse to waive them.

Mr. LENZNER. When did you speak with him, do you recall?

Mr. WAKEFIELD. Monday.

Mr. LENZNER. Did he—is there a time period between the time you requested permission and the time he said "No," or did he just say "No" right away?

Mr. WAKEFIELD. Both.

Mr. SIBLEY. He said "No," and came back and said "No," again.

Mr. LENZNER. His immediate reaction was "No," but he would check it out with the client?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. And when he came back he said "No," again?

Mr. WAKEFIELD. Yes.

Mr. BELLINO. Did you make a report to anyone when you made any expenditures on behalf of the President?

Mr. WAKEFIELD. I answered that question; yes.

Mr. BELLINO. To Mr. Kalmbach?

Mr. WAKEFIELD. Yes.

Mr. BELLINO. And where were the records kept?

Mr. WAKEFIELD. Well, Kalmbach and DeMarco. My correspondence was with DeMarco.

Mr. BELLINO. So any other expenditures that may have been made, if they weren't reported by you, they had nothing to do with those expenditures? In other words, any expenditures you made, you reported it?

Mr. WAKEFIELD. Any expenditures I made went through the trust fund, or whatever. Whatever expenditures I made through the President, I reported them.

Mr. BELLINO. If any other expenditures were made, you had nothing to do with those expenditures?

Mr. WAKEFIELD. That is correct.

Mr. BELLINO. And that is the expenditures in 1969. Now, in 1972, did you report those to the Kalmbach——

Mr. WAKEFIELD. To Mr. DeMarco.

Mr. BELLINO. To Kalmbach and DeMarco. When did you make that report?

Mr. WAKEFIELD. In January 1973.

Mr. BELLINO. January 1973? If they had been reported then they would have shown up in the records of the President, would they not have?

Mr. WAKEFIELD. I have no idea, Mr. Bellino.

Mr. BELLINO. You don't know whether they were or not?

Mr. WAKEFIELD. I have no knowledge of it.

Mr. BELLINO. How did you report it to Mr. DeMarco in January 1973 on expenditures that you were making on behalf of the President? How was that reported?

Mr. WAKEFIELD. In 1973—I did not make any reports in 1973.

Mr. BELLINO. When did you make the reports? In other words, you didn't make it in January 1973?

Mr. WAKEFIELD. Yes, I made one in January 1973 with respect to matters that I had done in September.

Mr. BELLINO. Could you say what kind of report that was? Just a report saying that you had spent these moneys, or were you asking for reimbursement——

Mr. WAKEFIELD. Not a report of expenditures.

Mr. BELLINO [continuing]. As a report of expenditures?

Mr. WAKEFIELD. It was a report of financial matters.

Mr. BELLINO. And it went to DeMarco?

Mr. WAKEFIELD. Yes.

Mr. BELLINO. Are you positive about that?

Mr. WAKEFIELD. I'm pretty sure, yes. To the best of my recollection.

Mr. BELLINO. And that included what expenditures you had made from your trust fund in the latter part of 1972, is that what you report? I just want to get that clear.

Mr. WAKEFIELD. Regarding financial matters, yes.

Mr. BELLINO. Expenditures on behalf of the President?

Mr. WAKEFIELD. Expenditures, yes.

Mr. BELLINO. Was there another report at a later date?

Mr. WAKEFIELD. I don't think so.

Mr. LENZNER. Did you furnish those reports to anybody besides the people you already described?

Mr. WAKEFIELD. Usually I sent a copy of what I sent to the auditors to the President, or to his counsel.

Mr. LENZNER. How about to Miss Woods?

Mr. WAKEFIELD. I don't believe so. Possibly she may have gotten a copy of some reports.

Mr. LENZNER. Did you ever discuss any of these items with Miss Woods?

Mr. WAKEFIELD. No.

Mr. LENZNER. Did you ever learn that Mr. Rebozo also paid to a company called Babcock & Co., approximately $11,000 in 1969, for an alteration or remodeling of one of the President's homes?

Mr. WAKEFIELD. No. The question was, did I know about it?

Mr. LENZNER. Yes, sir.

Mr. WAKEFIELD. No.

Mr. LENZNER. So the only funds that you expended or that you're familiar with, are the ones that were directly through account?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. Was it explained to you by the President, or Mr. Rebozo, or Mr. Ehrlichman, why your trust accounts had to be used, rather than direct payments out of the President's own checking accounts?

Mr. WAKEFIELD. No.

Mr. LENZNER. Did you ever ask why?

Mr. WAKEFIELD. No.

Mr. LENZNER. Did you receive any fees at all from the President with regard to these matters, at any time after January 1, 1969?

Mr. WAKEFIELD. I think—yes. I received a few. Yes.

Mr. LENZNER. From the President?

Mr. WAKEFIELD. From his funds, yes.

Mr. LENZNER. Were those funds that went through the trust account?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. Did Mr. Rebozo, though, pay most, if not all, the fees, except for that one you just mentioned?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. And also did those funds come out of a trust account?

Mr. WAKEFIELD. Which ones?

Mr. LENZNER. The funds that Mr. Rebozo paid?

Mr. WAKEFIELD. No, sir, not at all.

Mr. LENZNER. And where did those funds come from?

Mr. WAKEFIELD. He usually pays his fee bills separately.

Mr. LENZNER. By check or cash?

Mr. WAKEFIELD. Check.

Mr. LENZNER. Has he ever furnished you cash?

Mr. WAKEFIELD. No, not to my recollection.

Mr. LENZNER. Now, did the trust accounts also pay for heating oil, electricity, and those types of services for the President's homes? Were your trust funds also expended for heating oil or utilities at the President's home?

Mr. WAKEFIELD. I don't know anything other than what revolves around those checks that I've identified.

Mr. LENZNER. But on a regular basis you did not write out checks to utility companies on behalf of the President's homes?

Mr. WAKEFIELD. No, sir.

Mr. LENZNER. Did you ever discuss these expenditures with Mr. Kalmbach?

Mr. WAKEFIELD. No, sir.

Mr. LENZNER. You said before you were aware of the source of these funds that went through the trust account. Was that information that you received from independent parties?

Mr. WAKEFIELD. No.

Mr. LENZNER. Did you receive that from certain documents that you obtained?

Mr. WAKEFIELD. I don't know if you're asking exactly the way it was asked before, but I stated that the origin of any funds that I received, disbursed on behalf of Mr. Rebozo, were privileged communication and matters between attorney and client.

Mr. LENZNER. Do you know if President Nixon furnished any funds that went to the trust accounts, to your own knowledge?

Mr. SIBLEY. If you got any information, or you got it from a client, whether he did or he didn't, you can't answer it.

Mr. WAKEFIELD. I decline to answer that one.

Mr. LENZNER. And that would be on behalf of the President you are exerting the privilege now?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. What I'm trying to get—when you learned the source of the funds that went through your trust account, was that an oral communication from either your client, Mr. Rebozo, or your client, President Nixon?

Mr. WAKEFIELD. With regard to what matter?

Mr. LENZNER. With regard to the funds that went to your trust account, funds which were utilized for expenditures on behalf of President Nixon?

Mr. WARD. When, Mr. Lenzner? We've run up from 1969 to 1974. You asked him about a lot of transactions.

Mr. LENZNER. As I understand it, if I'm wrong correct me, funds were placed in your trust accounts partly for the purpose of paying for expenditures on behalf of President Nixon. Now, what I'm asking you is, when you learned the source of those funds that were put in for that purpose, did you learn that as from oral communications with your clients?

Mr. WAKEFIELD. Any communication I get from the clients is my clients' privilege.

Mr. LENZNER. All I'm asking now——

Mr. WAKEFIELD. Which client?

Mr. LENZNER. All I'm trying to find out is, were they contained in some kind of documentation, that is, the source of the funds, or was it simply told to you by one of your clients that these funds came from a source, without identifying the source?

Mr. WAKEFIELD. I'll still decline to answer on the grounds of privilege.

Mr. LENZNER. You won't identify what kind of communication that was?

Mr. WAKEFIELD. No, sir, on the grounds of privilege.

Mr. LENZNER. And you're refusing to answer that on the grounds of privilege on behalf of President Nixon and Mr. Rebozo?

Mr. WAKEFIELD. Yes.

Mr. LENZNER. Did Mr. Rebozo ever purchase any property or stock in trust to President Nixon, to your knowledge?

Mr. WAKEFIELD. I decline to answer on the grounds it is my client's privilege, coming to me through my client.

Mr. LENZNER. Do you know of any financial transaction entered into by Mr. Rebozo on behalf of President Nixon, for the President's benefit, that Mr. Rebozo did not report as required by either the IRS laws or by some other laws?

Mr. WAKEFIELD. I decline to answer on the grounds it is my privilege of my client.

Mr. LENZNER. Do you know of any transaction entered into by Mr. Rebozo that inured to the benefit and income of President Nixon that the President did not report on his returns?

Mr. WAKEFIELD. I decline to answer on the grounds of my client privilege.

Mr. LENZNER. Well, that would be—if the answer to that was yes, of course it would be a possible violation of law which would not be privileged, would it?

Mr. WAKEFIELD. I can't either confirm or deny it, on the grounds—on further grounds from my client privilege.

Mr. WARD. There is no evidence, whatsoever, that this witness has any knowledge whatsoever of what President Nixon reported on his return.

Mr. SIBLEY. This is not a trial. Don't be wide open. You can't pin him down to any rules of evidence.

Mr. WARD. I can try at this late hour.

Mr. LENZNER. Senator Ervin said we have no rules of evidence. Have you had any discussions with any representatives of Mr. Rebozo with regard to their requesting you not to furnish certain information to any investigative authority, other than for attorney-client reasons?

Mr. WAKEFIELD. No.

Mr. LENZNER. Have you had any such discussions with any of the President's representatives, counsel, or designees or agents?

Mr. WAKEFIELD. I think I have to decline again.

Mr. LENZNER. Do you understand what I'm asking you right now Mr. Wakefield? I'm asking you, has any representative, counsel, designate, or agent of the President—or for that matter, the President himself—come to you or talked to you and asked you not to furnish certain information?

Mr. WAKEFIELD. No.

Mr. WARD. Let him finish the question.

Mr. LENZNER. I think that's pretty much it.

Mr. BELLINO. Have you advised your First National Bank not to furnish information to the committee that related to your trust accounts?

Mr. WAKEFIELD. No; I have asked them to furnish no information of my clients, other than what was subpenaed.

Mr. BELLINO. Under subpena, have you said to them that you'll bring a suit if they do produce?

Mr. WAKEFIELD. Never.

Mr. BELLINO. Has anyone said that to your bank?

Mr. WAKEFIELD. I don't know.

Mr. BELLINO. Not at your request?

Mr. WAKEFIELD. Not mine.

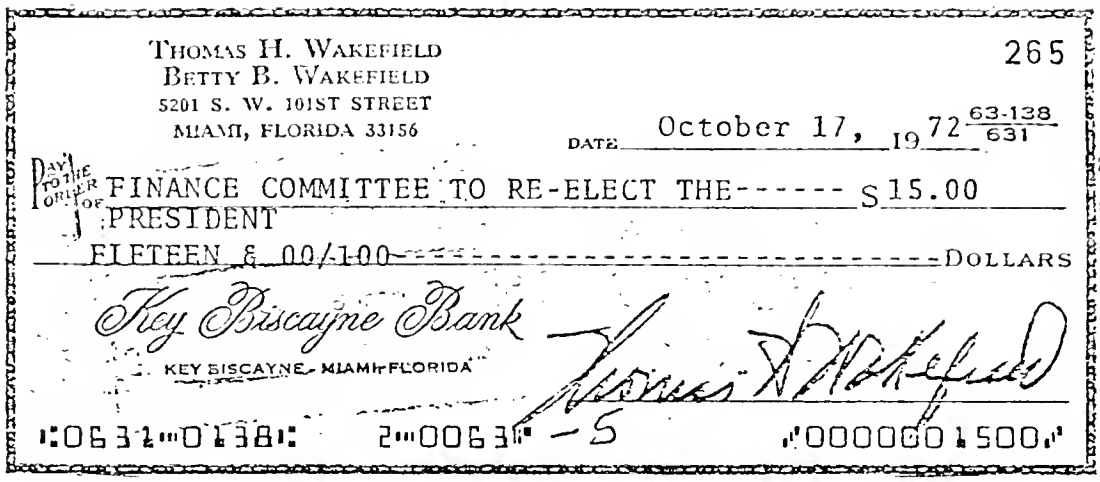
Mr. LENZNER. Dick, no questions.

Mr. ARMSTRONG. Any questions that you can answer that you're hoping we won't ask?

[No response.]

[Whereupon, at 7:15 p.m., the hearing in the above-entitled matter adjourned.]

WAKEFIELD EXHIBIT NO. 1-A



THOMAS H. WAKEFIELD
BETTY B. WAKEFIELD
5201 S. W. 101ST STREET
MIAMI, FLORIDA 33156

265

DATE October 17, 19 72 63-138 631

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FIFTEEN & 00/100 ---------- DOLLARS

Key Biscayne Bank
KEY BISCAYNE - MIAMI, FLORIDA

Thomas H. Wakefield

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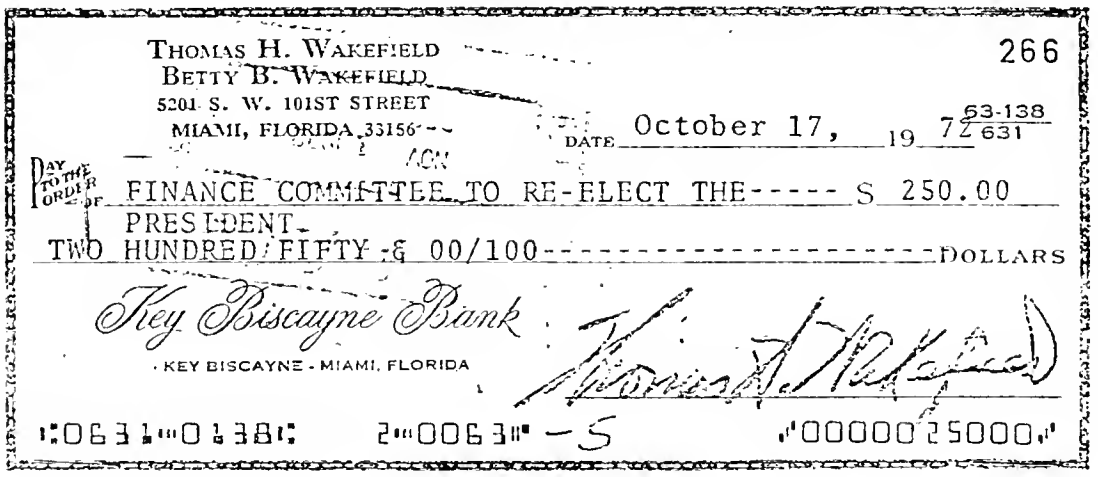
WAKEFIELD EXHIBIT NO. 1-B



THOMAS H. WAKEFIELD
BETTY B. WAKEFIELD
5201 S. W. 101ST STREET
MIAMI, FLORIDA 33156

266

DATE October 17, 19 72 63-138 631

PAY TO THE ORDER OF FINANCE COMMITTEE TO RE-ELECT THE PRESIDENT ----- $ 250.00

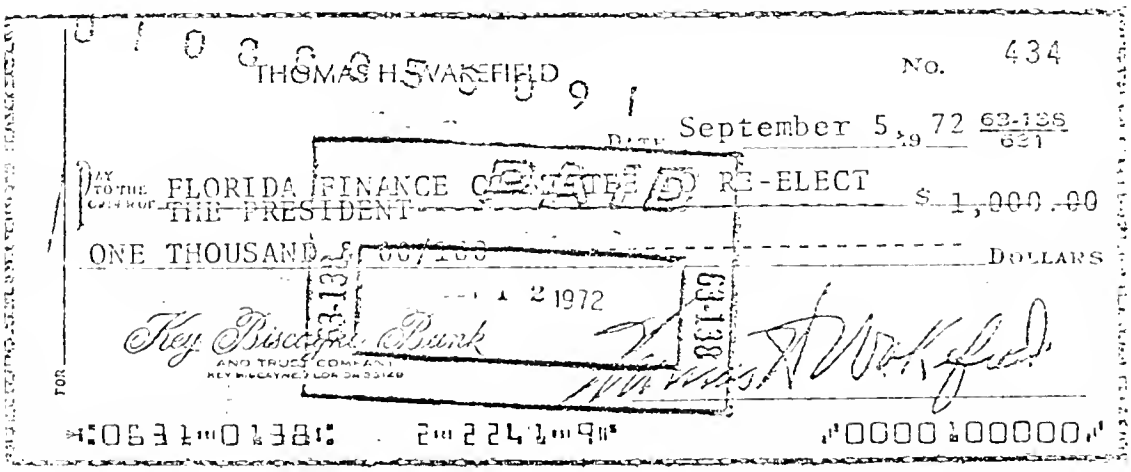
TWO HUNDRED FIFTY & 00/100 ---------- DOLLARS

Key Biscayne Bank
KEY BISCAYNE - MIAMI, FLORIDA

Thomas H. Wakefield

⑆0631⑆0138⑆ 2⑈0063⑈ -5 ⑈000025000⑈

WAKEFIELD EXHIBIT NO. 1-C



THOMAS H. WAKEFIELD

NO. 434

DATE September 5, 19 72 63-138 631

PAY TO THE ORDER OF FLORIDA FINANCE COMMITTEE TO RE-ELECT THE PRESIDENT ---------- $ 1,000.00

ONE THOUSAND & 00/100 ---------- DOLLARS

SEP 12 1972

Key Biscayne Bank
AND TRUST COMPANY
KEY BISCAYNE, FLORIDA 33149

FOR

⑆0631⑆0138⑆ 2⑈2241⑈9⑈ ⑈0001000000⑈

WAKEFIELD EXHIBIT NO. 2

FLORIDA FINANCE COMMITTEE TO RE-ELECT THE PRESIDENT
Suite 80[illegible] ▪ 440 First Avenue So. ▪ St. Petersburg, Florida 33701 No 703

Date October 5, 1972

The Florida Finance Committee to Re-elect The President, for the nomination and election of Richard M. Nixon to the office of President of the United States in 1972, acknowledges with thanks receipt during 1972 of $ 1000.00 from

Thomas H. Wakefield
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Miami, Fla. 33156

The Committee declares that Internal Revenue Service Form 4909 was or will have been properly filed before the end of this calendar year, and that the undertakings in such form will be observed.

CHAIRMAN

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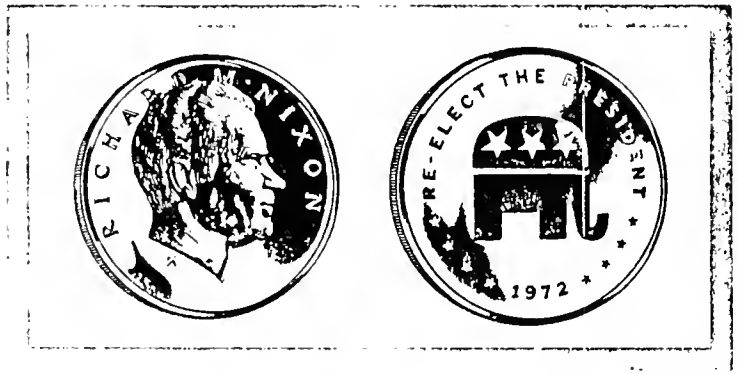

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October 2, 1972

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Mr. Thomas H Wakefield
5201 S.W. 101 Street
Miami, Florida 33156

Dear Mr. Wakefield:

Thank you for taking the time to speak with Roy Owens, a member of my staff. He has just told me of your intention to contribute $350.00 toward the re-election of President Nixon, and I am happy to extend my personal thanks for your generous cooperation and assistance.

I am most pleased to add your name to the distinguished group of Americans who have demonstrated their commitment to the ideals pursued by the President.

President Nixon's serious concern for achieving peace throughout the world, as well as guaranteeing the security of the United States, has been reflected by his tremendously successful visits abroad in recent months. While the President has received wide recognition and praise from the American public for his diplomatic accomplishments, he cannot be returned to office without the active support of involved citizens such as yourself.

You may be sure that your contribution will be effectively used in aiding President Nixon's re-election campaign, and we are most appreciative of your important and timely assistance.

With best wishes, I am

Sincerely,

Maurice H. Stans

Maurice H. Stans

MHS/lj

P.S. Mr. Wakefield, may we count on receiving your contribution now to insure victory in November?

ck 266 10/17/72
Mc 2-0063

350

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WASHINGTON, D. C. 20006

NAME: Mr. Thomas H. Wakefield, Attorney

ADDRESS: 5201 S.W. 101 Street

CITY: Miami STATE: FL ZIP: 33156

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W. SLOAN McCREA
PRESIDENT

PHONE (305) 649-2343
BOX 930, RIVERSIDE STATION
MIAMI, FLORIDA 33135

June 30, 1972

Dear Tom:

Because Former Secretary of Commerce Stans likes to feel he has some personal feeling as it relates to the people he is meeting, would it be possible to list the names of your Luncheon guests for his prior posting. This also will help us on the setting of proper arrangements for the Luncheon reservations.

Thanks,

Sloan McCrea

The following persons were invited to attend a luncheon on Friday, July 7th, at the Columbus Hotel in honor of Maurice H. Stans, former Secretary of Commerce:

Name	Will Attend	Will Not Attend
ANDERSON, Thomas H.		
BOUREAU, Harry N.		
BREWER, Lawrence J.		
BREWER, Walter F.		
ETLING, Walter		
FRATES, William S.		
FRIEDMAN, Harold		
GRAY, William L., Jr. — is [illegible]		will attend [illegible]
GUNN, John H.		
HALL, Frank Dawson		
HALL, M. Lewis, Jr.		
HILL, Henry F. — Going north for operation		
LANE, William A., Jr.		
McLAMORE, James W. — [illegible] Might		
PEARSON, Ray H.		
SIBLEY, J. Harper		
TAYLOR, Henry H., Jr.		
WEBSTER, Willard C.		
Reilly, Edward G. — Happy to be there		

SHUTTS & BOWEN
ATTORNEYS AND COUNSELLORS AT LAW
TENTH FLOOR FIRST NATIONAL BANK BUILDING
MIAMI, FLORIDA 33131
TELEPHONE (305) 358-6300
CABLE ADDRESS "SHUTTSBO"

HARRY N BOUREAU
THOMAS H ANDERSON
WILLIAM P SIMMONS, JR
RICHARD M WHITE
WILLARD R BROWN
JOHN S CHOWNING
PRESTON L PREVATT
SENECA B ANDERSON
JAMES F DURHAM, II
THOMAS L WOLFE
THOMAS C BRITTON
CHRISTOPHER C LARIMORE
ROBERT E GUNN
JOHN B WHITE
ANTONIO MARTINEZ, JR
RICHARD M LESLIE
PHILLIP G NEWCOMM
KARL V NART
ROBERT C SOMMERVILLE
STEPHEN L PERRONE
BOWMAN BROWN
ROBERT A JARVIS, JR
EDWARD J WALDRON
WILLIAM J KENDRICK
JOHN P McNUTT
B MACKAY BROWN
HENRY H FOX
ERIC B MEYERS
GUIDO A AGUILERA

FRANK B SHUTTS
(1870-1947)
CRATE D BOWEN
(1871-1959)
J P SIMMONS
(1891-1981)
P G PREVATT
(1891-1988)

June 29, 1972

Mr. Thomas H. Wakefield
5201 S.W. 101st Street
Miami, Florida 33156

Dear Tom:

Thank you very much for your invitation to attend the luncheon given by your committee at which time the Honorable Maurice H. Stans will attend.

I regret to advise that I will not be able to attend because I will be out of the city at that time. Best regards.

Sincerely yours,

Harry

HNB:mmr

H. N. Boureau

October 16, 1972

Mr. W. Sloan McCrea
Earl V. Wilson Company
P. O. Box 930, Riverside Station
Miami, Florida 33135

PERSONAL

Dear Sloan:

I enclose herewith check of Tom Anderson as a contribution to the President's campaign. I would appreciate you processing the same on and I also enclose a copy of Tom's letter for your information.

With kindest regards, I am

Sincerely yours,

WAKEFIELD, HEWITT & WEBSTER

By:

THW:B

Enclosures

cc: Thomas H. Anderson, Esq.

HARRY N. BOUREAU
THOMAS H. ANDERSON
WILLIAM P. SIMMONS, JR.
RICHARD M. WHITE
WILLARD R. BROWN
JOHN S. CHOWNING
PRESTON L. PREVATT
SENECA O. ANDERSON
JAMES F. DURHAM, II
THOMAS L. WOLFE
THOMAS C. BRITTON
CRISTOPHER C. LARIMORE
ROBERT E. GUNN
JOHN S. WHITE
ANTONIO MARTINEZ, JR.
RICHARD M. LESLIE
PHILLIP O. NEWCOMB
KARL V. HART
ROBERT C. SOMMERVILLE
STEPHEN L. PERRONE
BOWMAN BROWN
ROBERT A. JARVIS, JR.
EDWARD J. WALDRON
WILLIAM J. KENDRICK
JOHN P. McNUTT
S. MACRAE BROWN
HENRY H. FOX
ERIC S. MEYERS
QUIGO A. AGUILERA
LAWRENCE R. METSCH

SHUTTS & BOWEN
ATTORNEYS AND COUNSELLORS AT LAW
TENTH FLOOR FIRST NATIONAL BANK BUILDING
MIAMI, FLORIDA 33131
TELEPHONE (305) 358-6300
CABLE ADDRESS "SHUTTSBO"

FRANK B. SHUTTS
(1870-1947)
CRATE O. BOWEN
(1871-1959)
J. P. SIMMONS
(1891-1961)
P. O. PREVATT
(1891-1968)

October 9, 1972.

Thomas H. Wakefield, Esq.,
150 S.E. 2nd Street,
Miami, Florida 33131

Dear Tom:

This isn't a big check, but it might help. However, Nixon had better quiet the broadcasting stations and not give all the time to McGovern, or else Nixon might not wake up in the White House next November.

Cordially,

THA:EE
Encl.

September 5, 1972

Mr. W. Sloan McCrea
c/o Earl V. Wilson Company
P. O. Box 930, Riverside Station
Miami, Florida 33135

PERSONAL

Dear Sloan:

I am pleased to enclose three pledges for myself and partners together with our respective checks in the amount of $1,000 each, payable to the Florida Finance Committee to Re-Elect the President.

With kindest regards, I am

Sincerely yours,

WAKEFIELD, HEWITT & WEBSTER

By:

THW:B

Enclosures

Florida Finance Committee to Re-elect the President
POST OFFICE BOX 16213
JACKSONVILLE, FLORIDA 32216

August 31, 1972

MAURICE H. STANS
NATIONAL CHAIRMAN

GEORGE CHAMPION, JR.
CHAIRMAN

WILBERT R. CANNING
TREASURER

J. ROBERT TERRY
CO-CHAIRMAN

REGIONAL CHAIRMEN
AL AUSTIN
LINDLEY CAMP
JOHN CHRISTO
HENRY COLEMAN, SR.
DANIEL G. GOODRUM
JOHN C. JENNINGS
W. SLOAN MCCREA
WILLIAM B. MILLS
LOUIS C. MURRAY, M.D.
WILLIAM F. O'NEILL
WILLIAM L. RALEY
ED STACK
WILLIAM TIERNAN

Mr. Thomas H. Wakefield
Wakefield, Hewitt & Webster
150 S. E. 2nd St.
Miami, Fla. 33131

Dear Mr. Wakefield,

Florida is beginning to move ahead well against our quotas. We have certain areas of tbe state that have already dramatically exceeded their quotas. This has helped Florida to stay among the top states in the country. We were ranked sixth at the end of this week.

Washington is pressing urgently for collections. We have all received commitments from contributors that we haven't collected yet. Now is the time to get these commitments in.

Additionally, all of us on the committee can quadruple our production if we will just ask every person we talk to all day long to make their contributions to the President through us. Most people very much want to contribute, but just don't know where to do it. They are waiting for someone to contact them. Let's make sure they are not disappointed. Let everyone you talk to know they can forward their contribution to the President through you. You will be amazed at what you will collect.

Remember to comply with the new law. We need the name, address, and name of employer of each contributor. Make sure all checks are made to "Finance Committee to Re-elect the President." Please forward those checks to me, or give them to your area chairman, so we can give you full credit for the amounts you collect.

Looking forward to hearing from you, and with all best and warmest wishes.

Yours sincerely,

George Champion, Jr.

P.S. Harry Dent says, "Roosevelt promised a chicken in every pot. McGovern promises pot in every chicken."

FLORIDA FINANCE COMMITTEE TO RE-ELECT THE PRESIDENT

Suite 800, 440 First Avenue South
St. Petersburg, Florida 33701

Yes, I want to help re-elect our President—to assure 4 years of peace, prosperity, law and order, for America. Enclosed is my check made payable to the FLORIDA FINANCE COMMITTEE TO RE-ELECT THE PRESIDENT. Please credit this to the state of Florida and send me a receipt for tax purposes.

I enclose my contribution for:

$ _____

_____
(date)

Name _____

Address _____

_____

Occupation _____

Employer _____

City _____ State _____

Note: A copy of our report filed with the Comptroller General will be available for purchase from tne Superintendent of Documents, United States Government Printing Office, Washington, D. C. 20402. Corporate checks cannot be accepted.

EARL V. WILSON COMPANY
FOOD BROKERS
MIAMI • TAMPA • JACKSONVILLE • ORLANDO • ATLANTA • ALBANY
HEADQUARTERS OFFICE:
3500 N. W. SEVENTH STREET — MIAMI, FLORIDA 33125

W. SLOAN McCREA
PRESIDENT

PHONE: (305) 649-2343
BOX 930, RIVERSIDE STATION
MIAMI, FLORIDA 33135

July 24, 1972

Mr. Thomas H. Wakefield
Wakefield, Hewitt & Webster
150 S.E. Second Street
Miami, Florida

Dear Tom:

This is just a note to thank you for taking time out of your busy schedule to attend the Luncheon with Secretary of Commerce Maurice Stans. Subsequent events I feel sure have underlined the importance of doing all we can to make certain that you and your families can continue to enjoy a life of freedom and opportunity in the kind of America we love.

We need your investment in the form of your pledge or your check. Equally important is your continued help as we spread this message to others who could not attend the Luncheon. Enclosed are two pledge cards, and if you have an opportunity to add a friend to our group, it would be much appreciated.

Please call on me if I can be of any help, and thanks again for being with us at the Luncheon.

Sincerely,

Sloan

Sloan McCrea

SM:mb
Encs. 2

July 17, 1972

Mr. W. Sloan McCrea
c/o Earl V. Wilson Company
Box 930 Riverside Station
Miami, Florida 33135

Dear Sloan:

One of my absent guests for the luncheon for the Honorable Maurice H. Stans, was Mr. Henry F. Hill, whose address is:

10140 S. W. 53 Avenue
Miami, Florida 33156

Henry has been confined to his bed because of a back injury for some time and has left for New York for a serious operation on his back. Before he left, he gave me the enclosed check in the amount of $500.00 payable to Florida Finance Committee to Re-elect The President.

Will you please see that the same is transmitted to the proper depository authority on his behalf.

Kindest regards.

Sincerely,

Thomas H. Wakefield

THW:jl

Encs.

THOMAS D. WOOD
ATTORNEY AT LAW

1441 BRICKELL AVENUE
MIAMI, FLORIDA 33131
PHONE (305) 379-3648

Dear Tom:

I have volunteered to chair the Dade County Finance Committee for the re-election of President Richard M. Nixon.

Instead of a highly commercialized fund raising campaign with numerous meetings, reams of paperwork, and a complicated bureaucratic structure, our campaign will be simple. OUR COMMITTEE WILL NEVER MEET.

You are one of thirty three personal friends I have asked to assist me in this very important task. Each member's only responsibility will be to raise $3,000.00. Our goal is $99,000. Our symbol - 33-3-99.

I am enclosing a card for your signature and return. The President needs your help.

Sincerely,

A copy of our report filed with the appropriate supervisory officer is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402

HELPFUL INFORMATION

1. Make all checks payable to Florida Finance Committee to Re-elect the President.

2. If contribution exceeds ten dollars ($10.00), I need the full name, mailing address, occupation and principal place of business, if any, of the contributor. Corporation checks are not allowed.

3. If cash is received, then advise Thomas D. Wood immediately so that he can prepare the proper receipt and forward same to the donor.

4. Messenger service is available by calling the office of Thomas D. Wood - 379-3648.

5. Deadline for contributions is September 15.

Please call me at home or at the office if you need any assistance.

BIPARTISAN COMMITTEE
TO RE-ELECT THE PRESIDENT
DADE COUNTY, FLORIDA

CO-CHAIRMEN
J. DEERING DANIELSON
MRS. EDWIN J. REEVES

P. O. BOX 1148
MIAMI, FLORIDA 33133

June 20, 1972

Mr. Thomas H. Wakefield
150 S. E. 2nd Street
Miami, Florida 33131

Dear Mr. Wakefield:

1972 is truly The Year of Decision. The importance of keeping Richard Nixon in the White House is more clearly demonstrated every day.

In 1968 Joe Gassen contacted you for the "Early Birds for Nixon". This year the "Bipartisan Committee to Re-Elect the President" is starting early to be ready, fully financed, for maximum impact in Dade County. We wish to ensure that when the re-election is won, its contribution will be both clear end significant.

To do this we need your help. We join Joe in asking you to serve actively and to assist financially. We expect to be in our headquarters shortly. In the meantime, please send your contribution (made out to "Re-Elect the President") to Box 1148, Miami 33133 and indicate in what areas of leadership and to what degree you feel that you can participate.

Responsible government must be maintained and this means purely and simply that Richard M. Nixon must be re-elected. There can be no alternative.

Very sincerely,

Deering Danielson

J. Deering Danielson

Mary J. Reeves

Mrs. Edwin J. Reeves
Co-Chairmen

The following persons were invited to attend a luncheon on Friday, July 7th, at the Columbus Hotel in honor of Maurice H. Stans, former Secretary of Commerce:

Name	Will Attend	Will Not Attend
ANDERSON, Thomas H.		
BOUREAU, Harry N.	out of town	✓
BREWER, Lawrence J.	YES ✓	
BREWER, Walter F.		
ETLING, Walter		
FRATES, William S.		
FRIEDMAN, Harold		
GRAY, William L., Jr.		
GUNN, John H.		
HALL, Frank Dawson		
HALL, M. Lewis, Jr.	NO	✓
HILL, Henry F.	To be operated on. Going South. called 7/3/72	
LANE, William A.. Jr.		
McLAMORE, James W.		
PEARSON, Ray H.		
SIBLEY, J. Harper	No	✓
TAYLOR, Henry H., Jr.		
WEBSTER, Willard C.	No out of country	✓

The following persons were invited to attend a luncheon on Friday, July 7th, at the Columbus Hotel in honor of Maurice H. Stans, former Secretary of Commerce:

Name	Will Attend	Will Not Attend
ANDERSON, Thomas H.		
BOUREAU, Harry N.	out of town	✓
BREWER, Lawrence J.		
BREWER, Walter F.		
ETLING, Walter		
FRATES, William S.		
FRIEDMAN, Harold		
GRAY, William L., Jr.		
GUNN, John H.		
HALL, Frank Dawson		
HALL, M. Lewis, Jr.		
HILL, Henry F.	To be operated on. Going South. called 7/3/72.	
LANE, William A.. Jr.		
McLAMORE, James W.		
PEARSON, Ray H.		
SIBLEY, J. Harper		
TAYLOR, Henry H., Jr.		
WEBSTER, Willard C.		

June 28, 1972

Copies of these letters were sent to Mr. W. Sloan McCrea.

EARL V. WILSON COMPANY
FOOD BROKERS
MIAMI • TAMPA • JACKSONVILLE • ORLANDO • ATLANTA • ALBANY
HEADQUARTERS OFFICE
3500 N. W. SEVENTH STREET — MIAMI, FLORIDA 33125

W. SLOAN McCREA
PRESIDENT

PHONE: (305) 649-2343
BOX 930, RIVERSIDE STATION
MIAMI, FLORIDA 33135

Jim MacNamara
J. Hoyer Sibley
Henry Hill
W.F. Brewer
W C Webster

June 23, 1972

Walter Ethridge
J A Green
Bill Yates
Robt Shaw Jr.
H. Friedman
W L Gray
Harry Bowers
M Lewis Hall
W A Lowe

Mr. Thomas H. Wakefield
Wakefield, Hewitt & Webster
150 S. E. Second St.
Miami, Florida 33131

Dear Tom:

All my life I've been an active Democrat. Increasingly, the ~~leader~~ ship of the Democratic Party has left me on policies that appear to me are best for the safety and strength of America. As we approach a Presidential election, contrast the position of the men who it appears will represent the Democratic Party on one hand with the committed hardworking, courageous statesmanship of President Nixon. It seems to me it's time to stand up and be counted, and for that reason I've volunteered to serve as a member of the State Finance Committee to Re-elect President Nixon. The purpose of this letter is to ask you to ~~join me on~~ and that Committee.

On Friday, July 7th, the Honorable Maurice H. Stans, former Secretary of Commerce, will be in Miami to have ~~breakfast with this Committee~~. ~~At Noon there will be a larger~~ Luncheon attended by the Committee and their guests. [As a member of the Committee] I would ask you to invite to the Luncheon 10 substantial South Florida men who might be interested in this Campaign. They and you would be guests of the Committee, with Secretary Stans as the speaker. This Committee will not have a lot of meetings and the time commitment will be minimal beyond the Luncheon. What we will need in the next week would be the names of those who would be your invitees.

In the next few days, I'll be calling you or seeing you to ask for your confirmation on this commitment, but in the meantime may I thank you for letting me place the matter for your consideration.

Sincerely,

Sloan

Sloan McCrea

SM:mb

The Breakfast and Luncheon will be at the Columbus Hotel.

Tom we need some of these Democrate fund raisers like Sibley & Yates that are making money from Republicans.

THOMAS H. WAKEFIELD
5201 SOUTHWEST 101ST STREET
MIAMI, FLORIDA 33156

June 28, 1972

Mr. J. Harper Sibley
Sibley Management Company
Suite 1100
200 S. E. First Street
Miami, Florida 33131

Dear Harper:

All my life I've been an active Democrat. Increasingly, the leadership of the Democratic Party has left me on policies that appear to me are best for the safety and strength of America. As we approach a Presidential election, contrast the position of the men who it appears will represent the Democratic Party on one hand with the committed hardworking, courageous statesmanship of President Nixon. It seems to me it's time to stand up and be counted, and for that reason I've volunteered to serve as a member of the State Finance Committee to Re-elect President Nixon. The purpose of this letter is to ask you to aid that Committee.

On Friday, July 7th, at Noon at the Columbus Hotel, the Honorable Maurice H. Stans, former Secretary of Commerce, will attend a luncheon given by the Committee for their guests. As a member of the Committee, I would like to extend to you an invitation to attend this luncheon.

I would appreciate your calling me at 373-6526, letting me know if it will be possible for you to be present.

With kindest personal regards, I am,

Sincerely,

Thomas H. Wakefield

THW:jl

Editor's note.--The above letter was also sent to the following list of people:

Mr. Edward J. Reilly
174 East Flagler Street
Miami, Fla. 33131

Mr. Willard C. Webster
c/o Webster Outdoor Advertising Company
P.O. Box 649
Buena Vista Station
Miami, Fla 33137

Mr. Walter Etling
c/o Walter Etling Company
DuPont Building
Miami, Fla

Mr. Walter F. Brewer
5501 S.W. 105 Street
Miami, Fla. 33156

Mr. Henry F. Hill,
10140 S.W. 53 Avenue
Miami, Fla. 33156

Mr. James W. McLamore
10250 S.W. 53 Avenue
Miami, Fla. 33156

Mr. Lawrence J. Brewer
10750 S.W. 53 Avenue
Miami, Fla. 33156

John H. Gunn, Esquire
Gunn and Venney
Suite 1525
Alfred I duPont Building
Miami, Fla. 33131

Henry H. Taylor, Jr., Esquire
1451 Brickell Avenue
Miami, Fla

William A Lane, Jr., Esquire
100 North Biscayne Boulevard
Miami, Fla.

Thomas H. Anderson, Esquire
351 S.E. Second Street
Suite 1000
First National Bank Building
Miami, Fla. 33131

Harry N. Boureau, Esquire
351 S.E. Second Street
Suite 1000
First National Bank Building
Miami, Fla. 33131

William L. Gray, Jr., Esquire
First Federal Building
100 N.E. First Avenue
Miami, Fla.

William S. Frates, Eszuire
c/o Frates, Floyd, Pearson &Stewart, P.A.
66th West Flagler Street
Concord Building
Miami, Fla

Ray H. Pearson, Esquire
66 West Flagler Street
12th Floor
Concord Building
Miami, Fla.

Mr. Lewis Hall, Jr., Esquire
150 S.E. Second Street
Miami, Fla.

Frank Dawson Hall, Esquire
150 S.E. Second Street
Miami, Fla. 33131

Harold Friedman, Esquire
c/o Friedman, Britton & Stettin
8th Floor
First National Bank Building
Miami, Fla.

WAKEFIELD EXHIBIT NO. 3

Date: July 9, 1968

Safe Deposit Box Lease:

The undersigned leases Safe Deposit Box No. 224 at an annual rental of $12.50 Dollars, subject to Rules and Regulations and acknowledges receipt of two keys

Special Stipulations:

Thomas H. Wakefield — LESSEE-DEPUTY

C. G. Rebozo — LESSEE

REBOZO, C. G. or Thomas H. Wakefield — BOX NO 224

SIGNATURE	ATTENDANT	ROOM NO	DATE	HOUR
C. G. Rebozo			12/26/69	3 50
C. G. Rebozo	RW		4/3/70	11:30
C. G. Rebozo	RW		4/10/70	1:00
C. G. Rebozo	JG		4/30/70	11:45
C. G. Rebozo	RW		6/5/70	1:05
Thomas H. Wakefield				
[illegible]	[illegible]		6/18/70	10:15
[illegible]				
Margaret Baker				

VISITATION RECORD

DIEBOLD CARDINFER FORM 74885 (4-2513)

WAKEFIELD EXHIBIT NO. 4

THOMAS H. WAKEFIELD - SPECIAL ACCOUNT

2-1691 4-69

MR. THOMAS H. WAKEFIELD

SPECIAL ACCOUNT

JOINT ACCOUNT

ACCT. # 2-1691

HOME OFFICE MIAMI, FLORIDA 33149

The undersigned joint depositors are opening an account in KEY BISCAYNE BANK and hereby authorize and direct said bank to recognize and honor either and/or both and/or every of the signatures subscribed as the bank's authority for the payment of funds from said account; and the undersigned hereby agree each with the other and with said bank that all sums heretofore or hereafter deposited by the undersigned in said account shall be owned by the undersigned jointly, with right of survivorship, and shall be subject to payment upon the check of either or any one of the undersigned, or the survivor or survivors of them, and payment thereof to either of them upon the joint or several order of either of them shall discharge said bank from liability to either, or the heirs, executors, administrators or assigns of either. As a condition of the acceptance of said account by the bank it is agreed that said account shall at all times be subject to all reasonable rules and regulations of said bank.

The account may be closed by either of the undersigned.

The Bank is authorized to apply this account toward the payment of any indebtedness due the Bank from the depositor or depositors, or either of them, whether the debt is several and this account is joint, or the debt is joint and the account is several.

The Bank is authorized to supply the endorsement and to place to the credit of this account, any and all checks, drafts, or other items, payable to both of the depositors jointly or to either of them severally, whether deposited by them or sent to the Bank by others for the account of either of them.

TH. J SIGNATURE Thomas H. Wakefield

CAT SIGNATURE Esther E. Wakefield

LOCAL ADDRESS

HOME ADDRESS

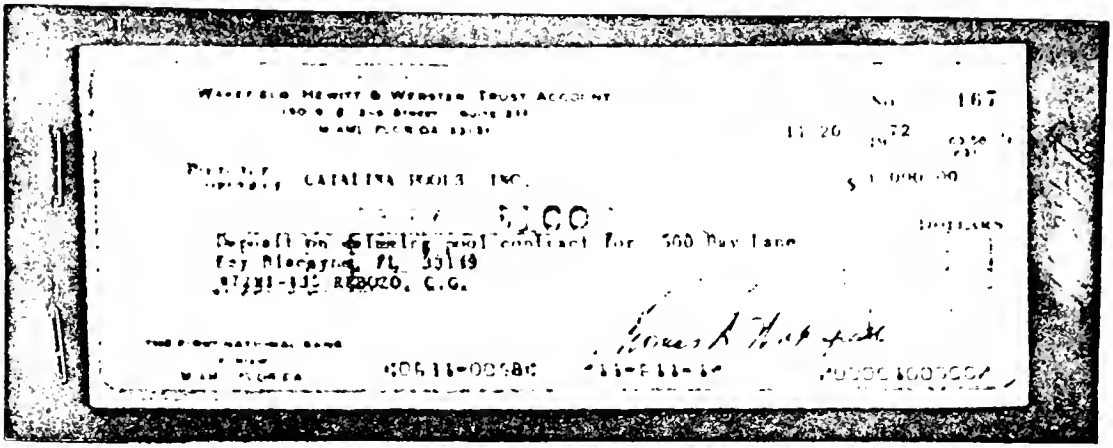
REFERENCE

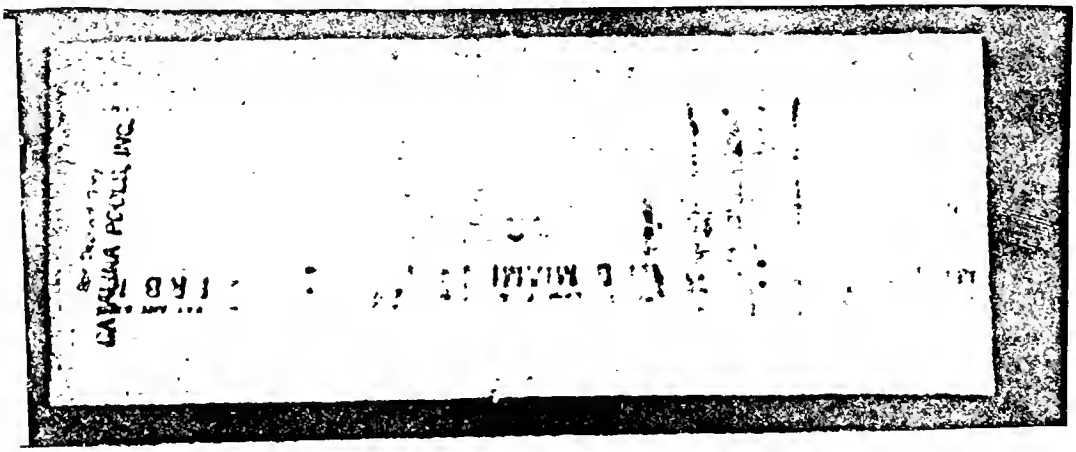
BUSINESS

DATE 4/16/69

1M 7-67 DIXIE PRINTERS, MIAMI

WAKEFIELD EXHIBIT NO. 5-A





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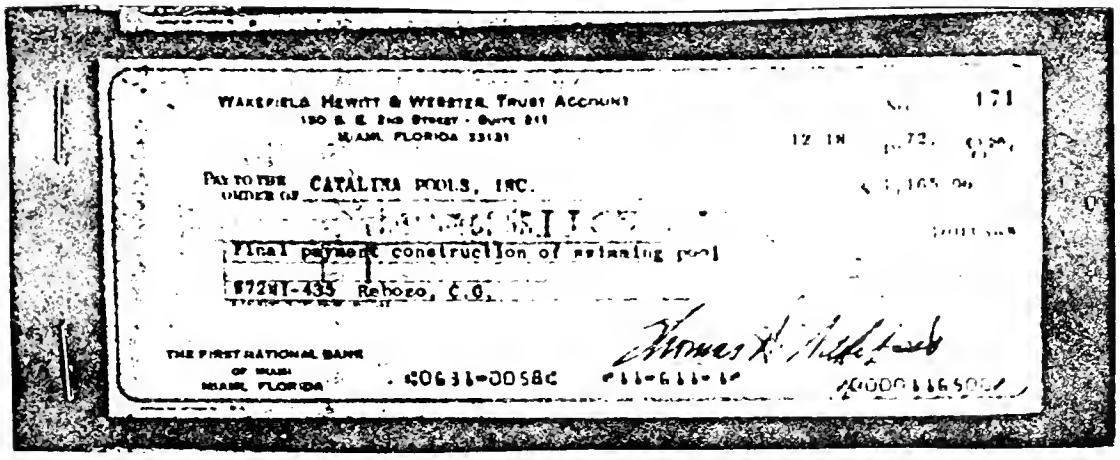

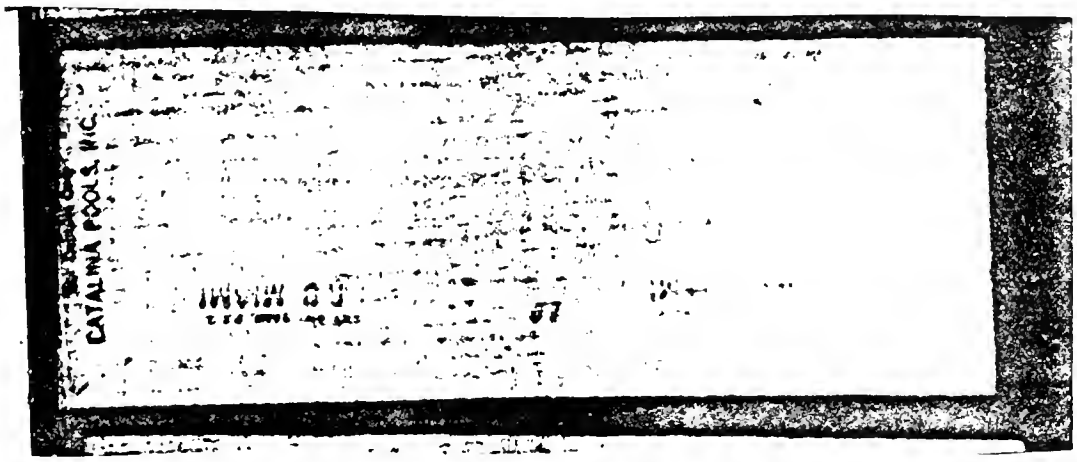

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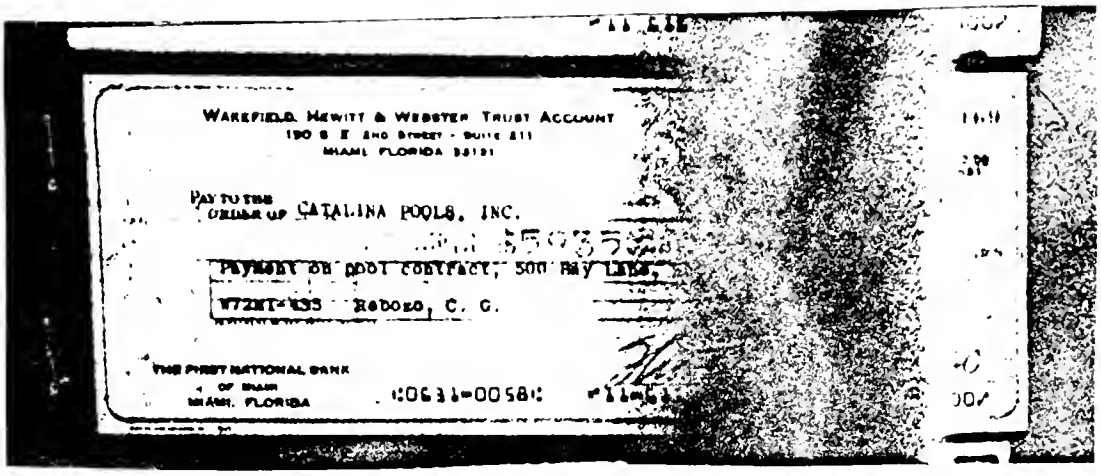

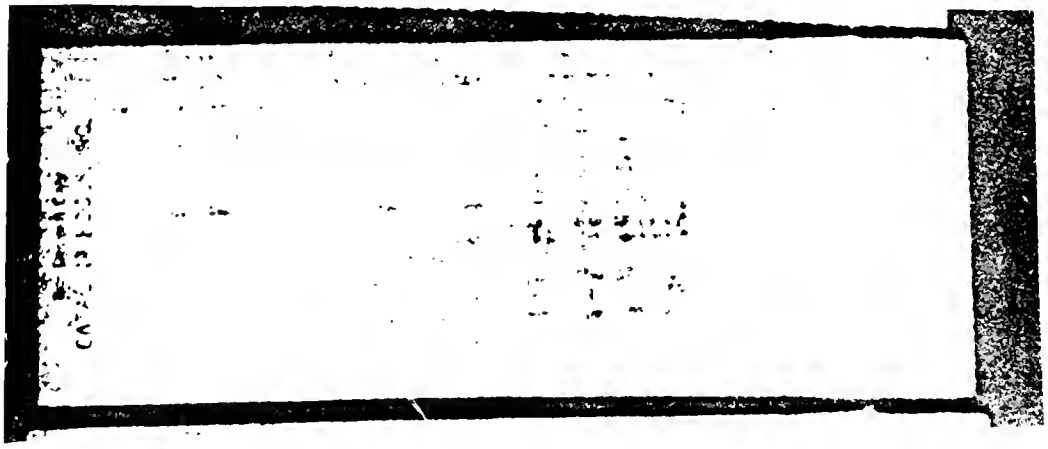

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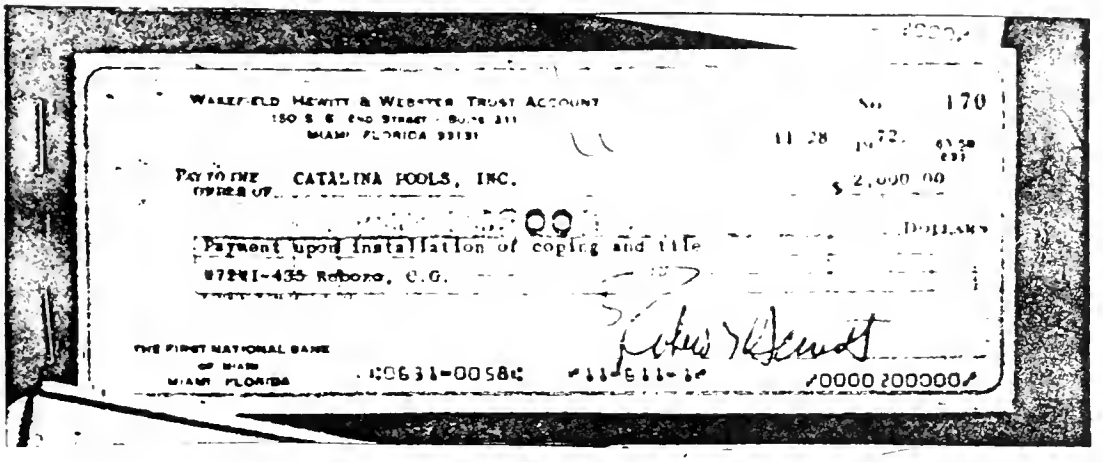

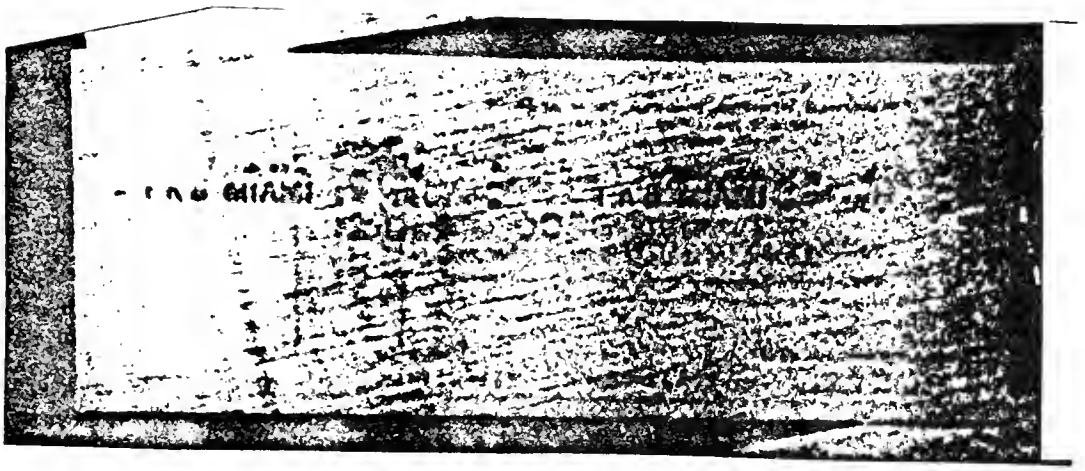

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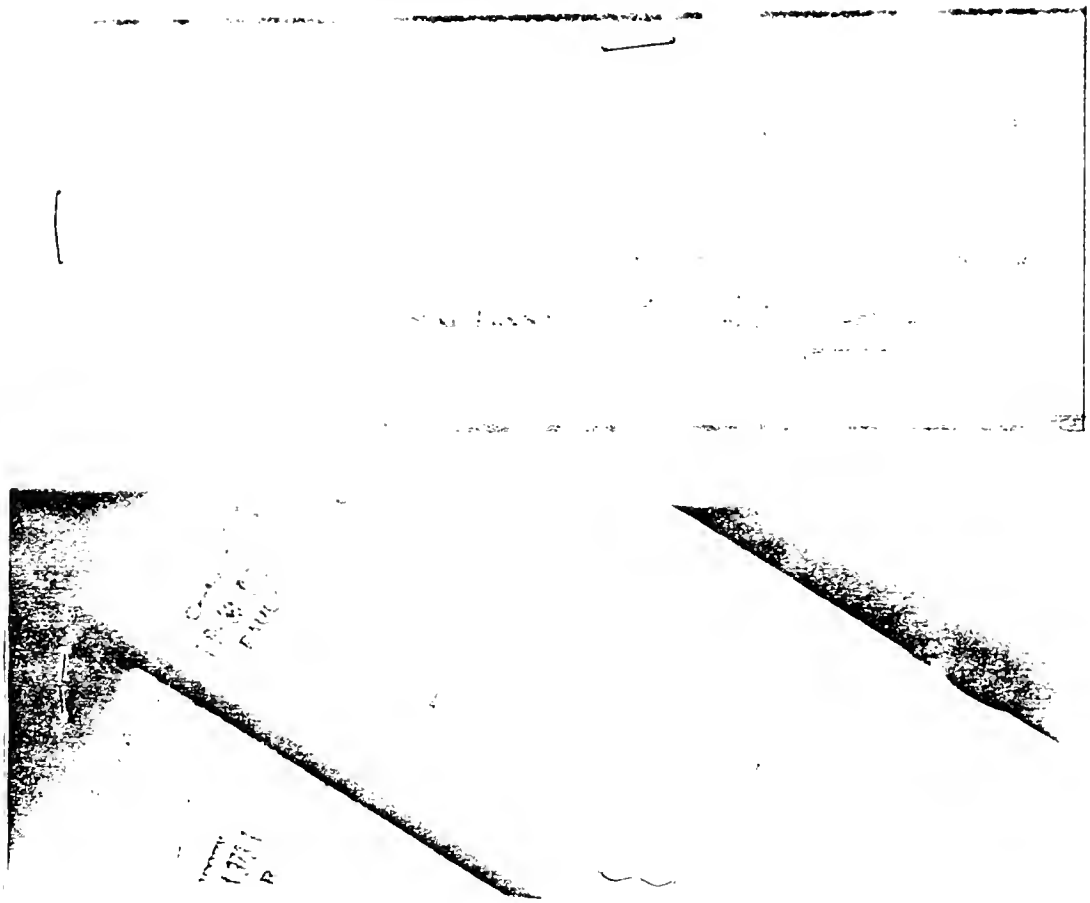

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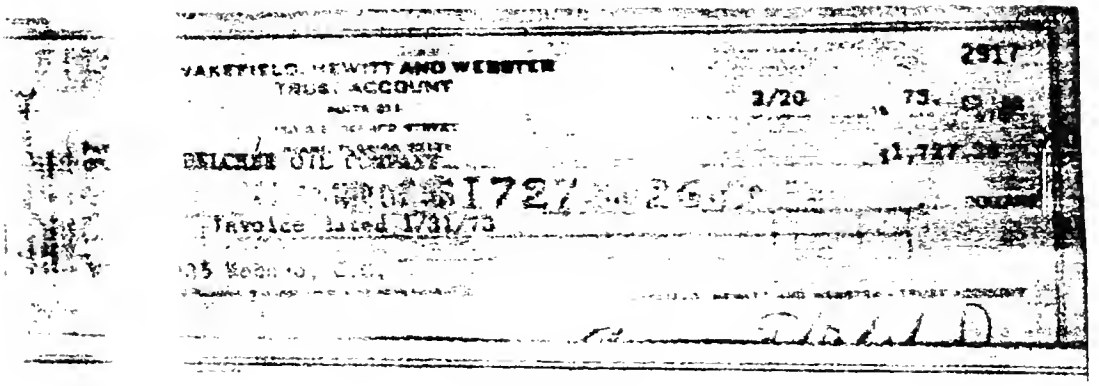

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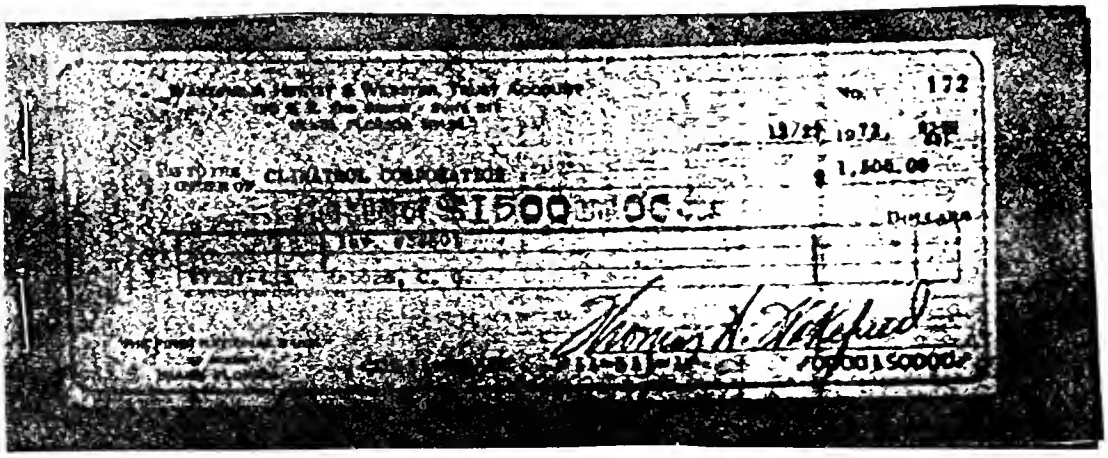
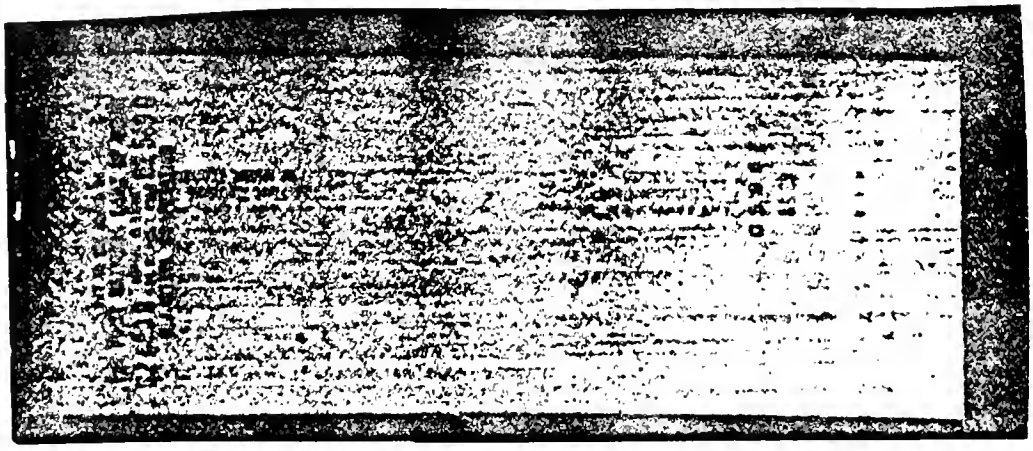




WAKEFIELD EXHIBIT NO. 9

LAW OFFICES
WAKEFIELD, HEWITT & WEBSTER
SUITE 211
150 SOUTHEAST SECOND STREET
MIAMI, FLORIDA 33131

THOMAS H. WAKEFIELD
ROBERT G. HEWITT
GARTH A. WEBSTER

WILLIAM W. MUIR
OF COUNSEL

TELEPHONE 373-6526
AREA CODE 305

December 28, 1972

Climatrol Corporation
P.O. Box 563, Tamiami Station
Miami, Florida 33144

Re: Invoice No. 38801

Gentlemen:

Enclosed please find check drawn on The First National Bank in the amount of $1,000.00, which together with the two previous checks totals $3,600.00.

We regret this error.

Thank you.

Very truly yours,

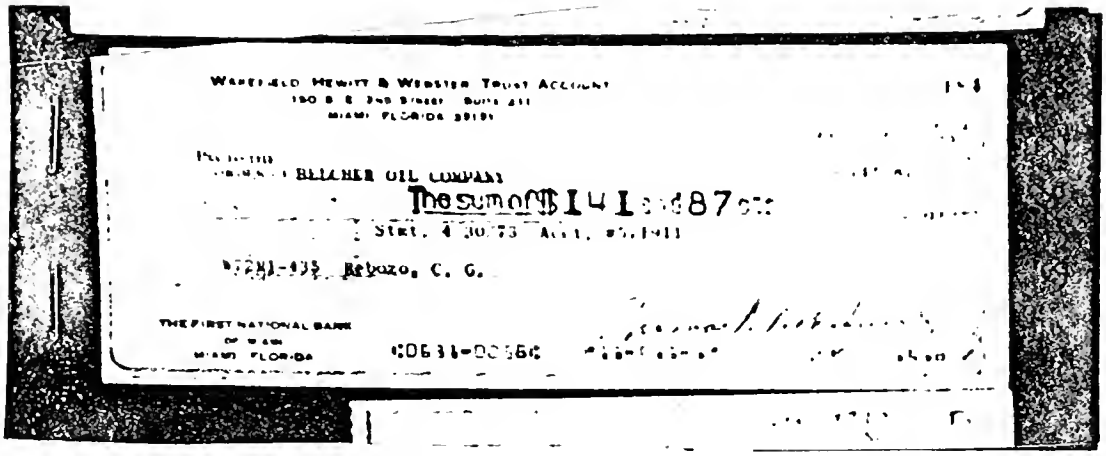
WAKEFIELD, HEWITT & WEBSTER

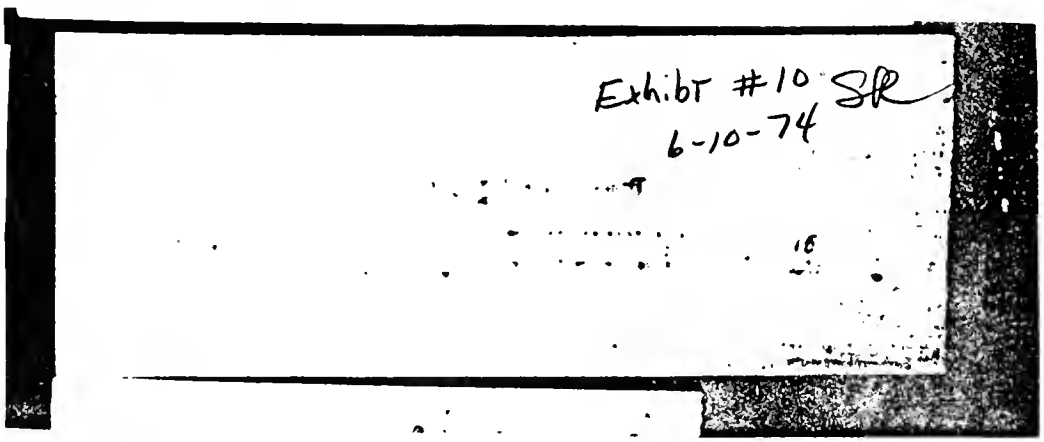
By: _____
Thomas H. Wakefield

THW:jl

Encs.

WAKEFIELD EXHIBIT NO. 10





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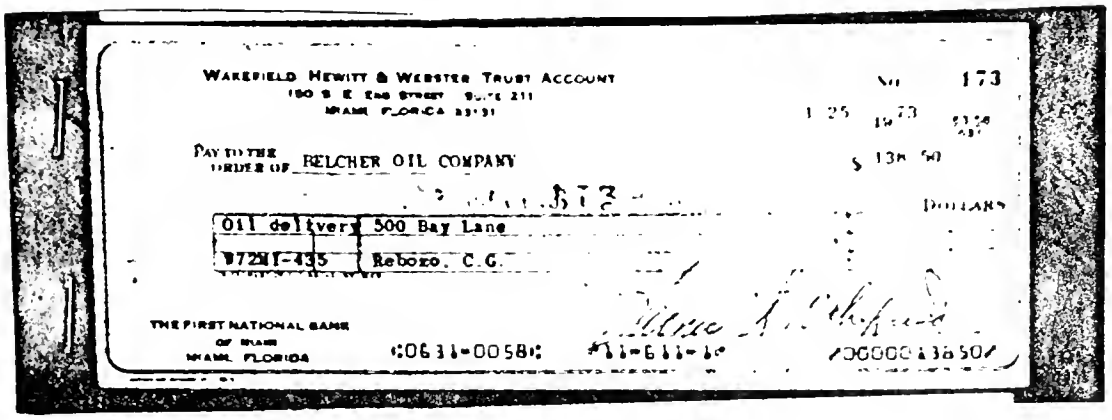


WAKEFIELD HEWITT & WEBSTER TRUST ACCOUNT
150 S. E. ENG STREET SUITE 211
MIAMI FLORIDA 33131

No. 173

1 25 19 73

PAY TO THE ORDER OF BELCHER OIL COMPANY

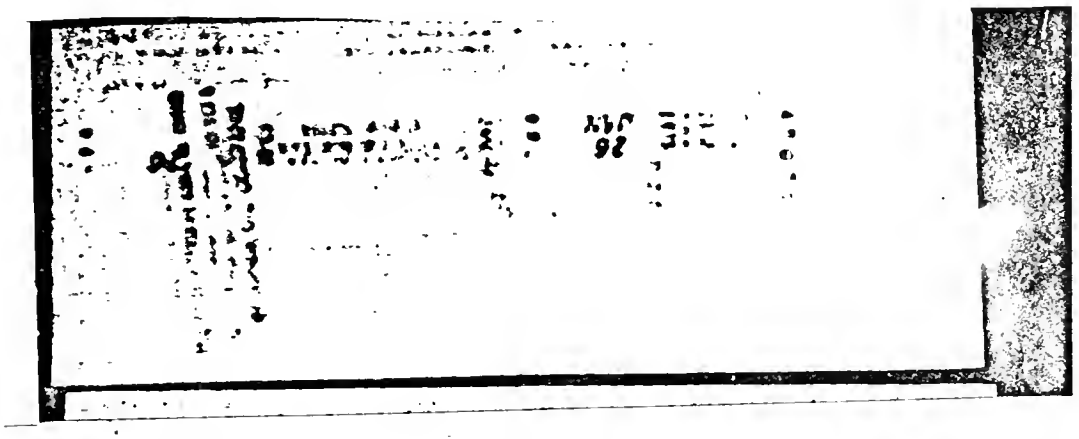
$ 138 50

DOLLARS

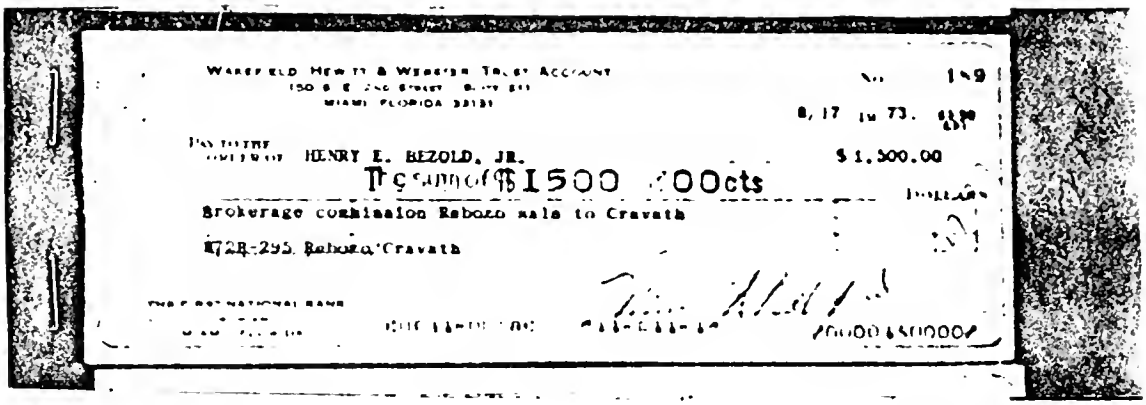
Oil delivery	500 Bay Lane
972MI-435	Rebozo, C.G.

THE FIRST NATIONAL BANK OF MIAMI
MIAMI, FLORIDA

⑆0631-0058⑆ #11-611-1⑈ ⑈0000013850⑈



WAKEFIELD EXHIBIT NO. 12


WAKEFIELD HEWITT & WEBSTER TRUST ACCOUNT
150 S.E. 2nd Street
MIAMI, FLORIDA 33131

No. 189

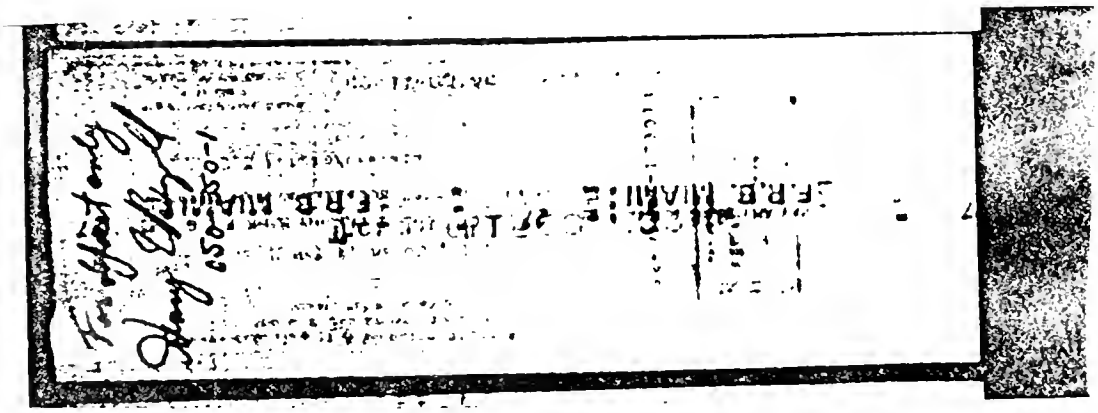
8/17 19 73.

PAY TO THE ORDER OF HENRY E. BEZOLD, JR. $ 1,500.00

One thousand five hundred 00cts DOLLARS

Brokerage commission Reboso sale to Cravath

#728-295 Reboso/Cravath



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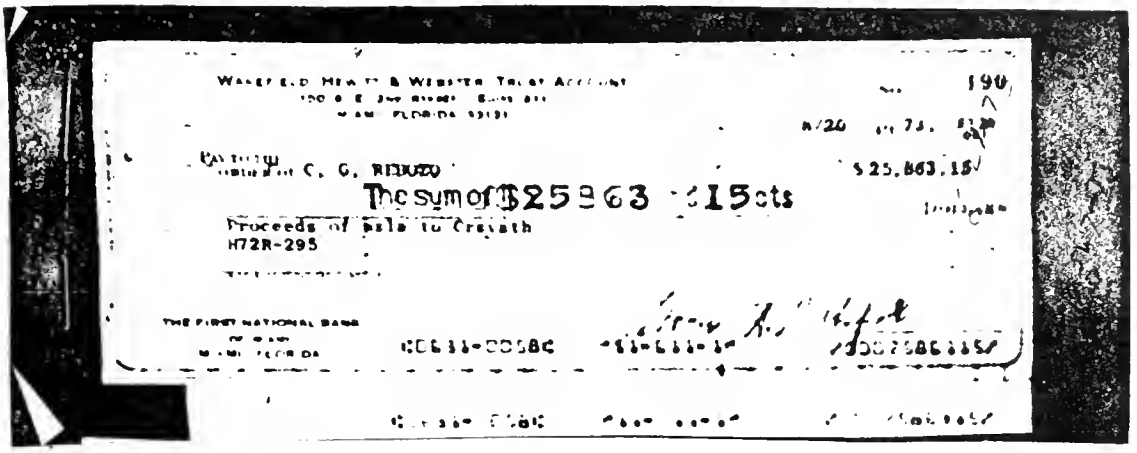


WAKEFIELD HEWITT & WEBSTER TRUST ACCOUNT

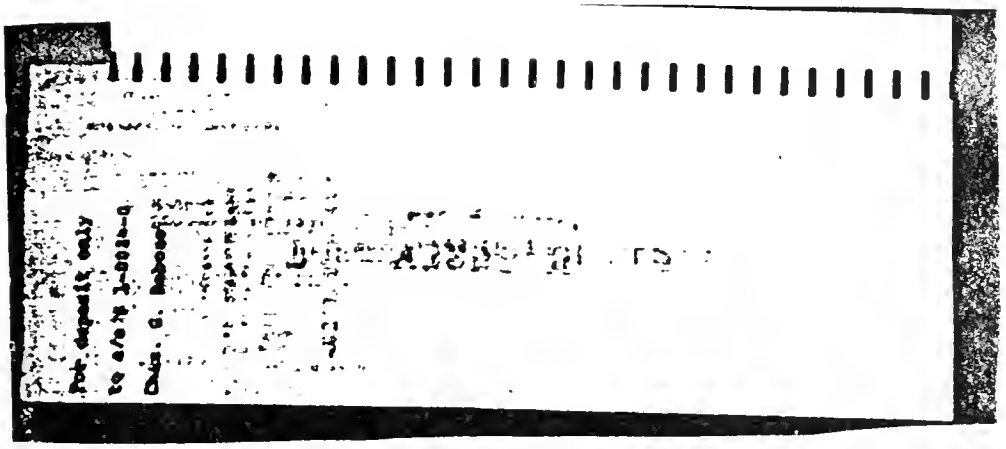
190

PAY TO THE ORDER OF C. G. RIZZUTO $25,863.15

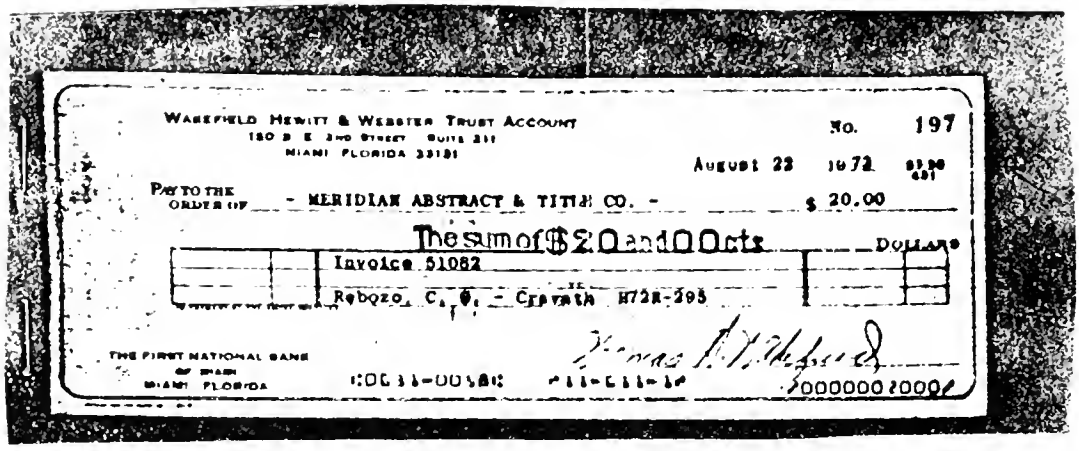
The sum of $25863 15cts

Proceeds of sale to Creath
H72R-295

THE FIRST NATIONAL BANK



WAKEFIELD EXHIBIT NO. 14



WAKEFIELD HEWITT & WEBSTER TRUST ACCOUNT
150 S. E. 2ND STREET SUITE 211
MIAMI FLORIDA 33131

No. 197

August 22 1972

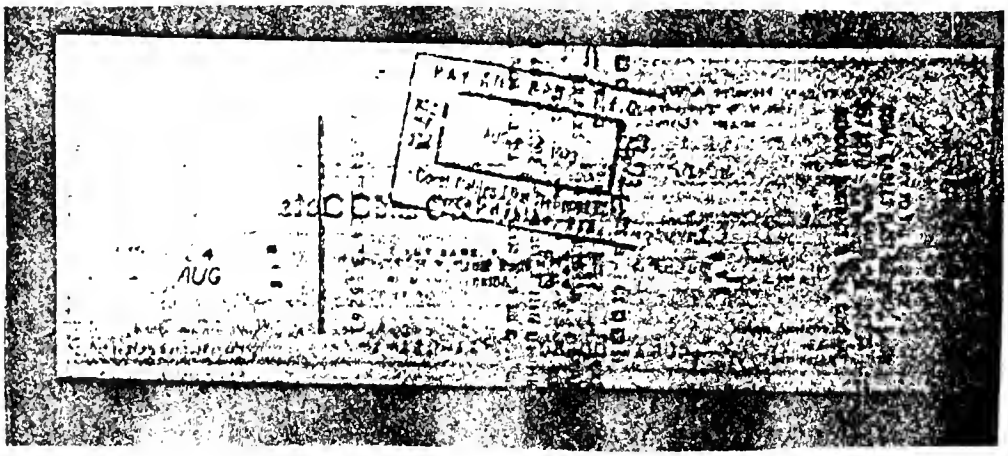
PAY TO THE ORDER OF - MERIDIAN ABSTRACT & TITLE CO. - $ 20.00

The sum of $20 and 00 cts DOLLARS

Invoice 51082

Rebozo, C. G. - Cravath H72R-295

THE FIRST NATIONAL BANK OF MIAMI MIAMI FLORIDA



AUG

WAKEFIELD EXHIBIT NO. 15

DEPOSIT TICKET

THIS DEPOSIT IS ACCEPTED SUBJECT TO VERIFICATION, AND UNDER THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE AND THE RULES AND REGULATIONS OF THIS BANK.

PLEASE ENDORSE ALL CHECKS

DATE 8/1 19 73

PLEASE LIST EACH CHECK SEPARATELY

		DOLLARS	CENTS
	CURRENCY		
	COIN		
	CHECKS		
1	[illegible]		
2	23521610	2500	00
3			
4	23152610	25,883	15
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
	TOTAL AMOUNT FROM OTHER SIDE		
	TOTAL	22,323	15

The First National Bank of Miami
MIAMI, FLORIDA

WAKEFIELD, HEWITT AND WEBSTER
TRUST ACCOUNT

FOR DEPOSIT TO THE ACCOUNT OF

FOR BANK'S USE ONLY

No. ITEMS

STYLE 6641

TUESDAY, JUNE 11, 1974

U.S. SENATE,
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES,
Washington, D.C.

The Select Committee met, pursuant to notice, at 10 a.m. in room G–334, Dirksen Senate Office Building.

Present: Terry Lenzner, assistant chief counsel; Marc Lackritz and James Moore, assistant counsels; Richard L. Schultz, assistant minority counsel; Scott Armstrong, investigator.

TESTIMONY OF RICHARD DANNER, ACCOMPANIED BY CHESTER DAVIS, SOLOMON FREEDMAN, AND LAWRENCE S. BURSTEIN, COUNSELS

Mr. LACKRITZ. This is a continuation of the executive session which is to take testimony from Richard Danner and a continuation of that session that was adjourned back on December 20, 1973, or excuse me, recessed on December 20, 1973.

Before proceeding, Mr. Davis, counsel for Mr. Danner has indicated he wished to place some objections on the record so I think it's appropriate at this time for Mr. Davis to make his objections.

Mr. DAVIS. Mr. Lackritz, initially I would like to obtain a confirmation on the record that I will be furnished a transcript of this hearing and I would like to inquire of the reporter if he's in a position to do so and when I may expect a copy thereof?

Mr. LACKRITZ. If I can respond to that point, as I indicated on the telephone on two separate occasions to Mr. Burstein, that request will be forwarded immediately to the executive session of the full committee which has to approve the provision of the transcript and I do not anticipate any problem in terms of obtaining a copy of the transcript for you. Our only requirement is that there should be a formal meeting of the full committee to make that decision. I'm not authorized as staff to provide the transcript for you. However, in light of the past action of the committee taken most recently on your request, I do not anticipate there will be a problem in providing that transcript.

Mr. DAVIS. Mr. Lackritz, I appreciate it and I am very sympathetic to your position but you put me in a very difficult position also because, as you know, and for reasons I need not go into at this time, I had an understanding in the past with respect to obtaining a transcript and then for reasons I've never been able to adequately understand that transcript was denied to me. I thought I made it clear in our understanding with respect to the circumstances under which Mr. Danner and my other clients would appear, was on the specific understanding that I would have a transcript and I was hoping I would be able to

obtain a transcript within 24 hours. The last information I received was you were not in a position to commit the report that I could obtain a transcript within 24 hours but I could obtain a transcript as rapidly as arrangements could be made for transcribing.

The problem of obtaining authorization for providing me with a transcript is, as far as I'm concerned, a condition precedent to any proceeding. If there was a way of proceeding, subject to an appropriate determination, I would be glad to do it but I don't know how you can proceed.

Mr. LACKRITZ. Mr. Davis, I think I can clear this up right now. The committee had authorized the provision of a transcript of Mr. Danner's testimony to you and I will interpret that authorization by the committee as including this session today with Mr. Danner and I will make an effort to provide you with a copy of said transcript as soon as possible. The only problem, there is no provision for Mr. Winte's testimony which is coming up.

Mr. DAVIS. We'll deal with the next problem when we run into the next problem.

Mr. LACKRITZ. I can represent to you that as soon as we can get a copy back from Ward & Paul we will provide you with a copy of it pursuant to the committee's authorization.

Mr. DAVIS. On the basis of that representation and relying on that representation, I am prepared to proceed.

Mr. LACKRITZ. If I can make sure if that is the understanding of minority counsel?

Mr. SCHULTZ. Yes, if the subpena continues, the authorization to provide the transcript would also continue.

Mr. DAVIS. Mr. Lackritz, I believe it would be appropriate for the record to reflect—apart from the fact that Mr. Lenzner walked into the room—that Mr. Danner is here under protest. Further, that he is here at the insistence of the staff of the committee, and I assume, and would like to be corrected if I'm in error, that the committee claims it is authorized to insist that Mr. Danner appear under the circumstances here involved.

Mr. LACKRITZ. If I could just speak for a moment to clarify that point, Mr. Davis. Mr. Danner is here pursuant to the direction of the chairman, Chairman Ervin, that Mr. Danner appear for further testimony and it's not at the insistence of the staff but authorized by the chairman of the committee.

Mr. DAVIS. I think the record should also reflect that we have a stipulation and understanding that this appearance by Mr. Danner is without prejudice and without waiver of all the objections heretofore expressed on the record and I would like the record to reflect these further objections, namely, the staff has requested that Mr. Danner produce at this time documents requested of him by a grand jury in connection with an ongoing grand jury investigation.

It is my position, on behalf of Mr. Danner, that to request him to produce either testimony by way of the production of documents or otherwise, material which he has furnished to the grand jury is improper and in my view, illegal.

In that connection I would like the record to reflect and to mark as an exhibit to this proceeding, a copy of a letter which I wrote to

the committee, dated March 20, 1974, addressed to Senator Ervin, a copy of which was sent to the other members of the committee, reflecting our views with respect to our contention that the staff, as well as the committee, is engaged in quasi-prosecutorial activities which are not authorized either by the enabling resolution or by the applicable statutes of the United States and I would like to have a photocopy of this letter of March 20, 1974, identified as an exhibit.[1]

Mr. LACKRITZ. Why don't we have that marked as exhibit 16 for purposes of today's executive session, and Mr. Davis, I would like to have marked as exhibit 17 for the purposes of today's session the reply received.

[Whereupon, the documents referred to were marked Danner exhibits Nos. 16 and 17 for identification.[2]]

Mr. DAVIS. Yes, I was going to do that, but you do it.

Mr. LACKRITZ. I was not sure you were going to include the reply from Senator Ervin which I take it is what you're referring to.

Mr. DAVIS. I agree that the record should also reflect that in response to the letter of March 20 which is being marked as exhibit 16, we received a response to that letter, by letter dated May 10, 1974, which may be marked as exhibit 17, and subsequent to that exchange of letters I received a request by telegram that Mr. Danner appear, notwithstanding the information furnished to the committee and its staff that Mr. Danner had been served with a grand jury subpena under the direction of the Special Prosecutor's office particularly charged with investigation of the facts and circumstances which have been the subject matter of Mr. Danner's prior testimony and we are proceeding or are prepared to proceed only if my understanding is correct that the staff and the committee is in effect, threatening Mr. Danner with an application for contempt proceeding, that if he fails to respond to all your requests.

Mr. LACKRITZ. I should interject at that point that the committee is not threatening, nor is the staff threatening Mr. Danner with anything. Mr. Danner was asked by the committee and by the staff to reappear for further testimony in light of additional information that the committee has received subsequent to Mr. Danner's past testimony in an effort to clear up some of the contradictions that have arisen in his testimony before the committee prior to the expiration of the committee's mandate from the Senate.

Mr. DAVIS. I understand that but I want to make sure the record reveals that since the exchange of correspondence to which I have alluded, this action by the grand jury has taken place. Mr. Danner is not willing to reveal or discuss with the staff or anyone else the testimony that he has given or is about to give to the grand jury, including the documents which the grand jury subpena called for and will do so only if the staff of the committee persists in what we regard as improper, if not illegal, conduct.

Mr. LENZNER. Can you state for the record as to whether Mr. Danner has appeared before a grand jury proceeding in response to the subpena you've made mention of?

Mr. DAVIS. Yes, Mr. Danner has responded to a grand jury subpena by making available pursuant to that subpena the documents and

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[1] Danner exhibits Nos. 1 through 15 appear in Book 20.
[2] See pp. 11479, 11488.

material in question. He has not yet appeared before the grand jury itself but he has furnished to the grand jury—I don't know what happened to it after we made delivery of it to the Special Prosecutor's office.

In all candor I should state to you it is my understanding or has been stated to me by the Special Prosecutor's office that after the production of the documents which had been produced to them, they are planning to interview Mr. Danner and that has not yet taken place, but my position is and the record ought to be clear that Mr. Danner has responded to this grand jury subpena and is not appearing here voluntarily disclosing any material which he has submitted to the grand jury.

Mr. LENZNER. I think the record is clear on that. I think I also ought to point out, under our reading of rule 5E of the Federal Rules of Criminal Procedure, I think it's the rule that applies to the testimony of a witness, that the committee has uniformly taken the position that the testimony of a witness before the committee is not barred by similar testimony if such exists before any grand jury and, in addition, has entered into an understanding with the Special Prosecutor's office that if the committee subpenas documents properly subpenable by it, which documents had also been subpenaed by the Special Prosecutor, that those documents will also be made available to the committee pursuant to those subpenas and rule 5E. Indeed, it's my understanding a witness can disclose, if he so desires after his testimony before the grand jury, exactly what he did testify to before that grand jury in public if he so desires, but of course, no member of the grand jury or any member of the prosecution team can so discuss any of the testimony, but I think you made the record clear and why don't we go ahead and proceed on that basis.

Mr. DAVIS. Mr. Lenzner, I think I should point out to you and I don't purport to have the breadth of knowledge that you have in the field of criminal law; I don't happen to agree with your interpretation of the law under the rules but this is not the time nor place to voice our different opinions. The point you were making and which I want to be sure is perfectly clear is that relates to the fact that a witness may, if he so desires, reveal material information he furnishes to the grand jury.

I want to be perfectly clear that Mr. Danner is not doing that and that we are here only because of the coercion being applied on Mr. Danner in a manner which he believe is improper, but because of the close relationship of Mr. Danner to Mr. Rebozo and his acquaintanceship with the President, we are concerned that the publicity which a refusal to appear at the direction at the staff and/or the committee might create and the injury this would create to Mr. Danner and others and only because of the manner in which the press has been used and is being used, including if you please, release to the press of interim drafts of the proposed reports, that Mr. Danner feels he is under a compulsion to comply with the direction of the staff and the committee to appear at this time and it's done under protest and only because of the coercive tactics which have been employed in this situation. I've made my record.

Mr. LENZNER. Why don't we go ahead and proceed.

Mr. LACKRITZ. I think the record is clear and your characterization of the situation is clear on the record.

Why don't we begin, if we may, Mr. Davis, by asking if you, or the witness Mr. Danner, has brought with him any relevant documents to our investigation, specifically referring to any copies of diaries that he has brought with him.

Mr. DAVIS. We have what we understand is what you requested Mr. Danner to bring with him; namely, a duplicate set of that which he made available to the grand jury and which in our view is neither relevant to your investigation nor called for by the subpena that heretofore has been served on Mr. Danner pursuant to which he produced a great deal of documentation. Now, if you wish and direct me to do so, I'll be glad to identify for the record that which Mr. Danner is now producing.

Mr. LACKRITZ. Before I ask you to identify for the record the materials Mr. Danner has produced, I'd like to just make it clear on the record, Mr. Davis, when I asked you if Mr. Danner had any diaries, you responded to me that the only diaries he had at that point were diaries from 1968 and 1973 and that he does not have other diaries and I asked you at that point to bring in with you to this session today, the 1968 and 1973 diaries and any others you may have been able to discover.

Mr. DAVIS. There may be a misunderstanding between us. Mr. Danner previously produced whatever was called for, including diaries or testified with respect to entries in those diaries. The subpena of the grand jury covered a year that your committee subpena did not cover. What we did and what I have here is that and only that which was made available to the Watergate Special Prosecutor's office.

Mr. LENZNER. Why don't you go ahead and identify that.

Mr. DAVIS. I have nothing else to give you.

Mr. LACKRITZ. Please identify that for the record, Mr. Davis.

Mr. DAVIS. I think first I would like to identify as exhibit 18 for the good guys——

Mr. LENZNER. Why don't you make that Danner Exhibit 18.

Mr. LACKRITZ. There are no plaintiffs or defendants in our investigation, Mr. Davis.

Mr. DAVIS. Shall we make them all Danner exhibits? This is a letter May 31, 1974, addressed to Paul R. Michel, Esq., Watergate Special Prosecution Force, U.S. Department of Justice, which identifies and describes the material forwarded to Mr. Michel pursuant to the grand jury subpena previously referred to.

[Whereupon, the document referred to was marked Danner exhibit No. 18, for identification.[1]]

Mr. DAVIS. A document seven pages long entitled, "List of Records To Be Produced."

[Whereupon, the document referred to was marked Danner exhibit No. 19, for identification.[2]]

Mr. DAVIS. A one-page document entitled, "Documents Not To Be Produced on the Ground of Privilege."

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[1] See p. 11492.
[2] See p. 11494.

[Whereupon, the document referred to was marked Danner exhibit No. 20, for identification.[1]]

Mr. DAVIS. One sheet dated October 21, 1971, entitled, "Interdepartment Correspondence" and being a memorandum from Richard Danner to Chick Hirsch relating to expense accounts for July and August, 1971.

[Whereupon, the document referred to was marked Danner exhibit No. 21, for identification.[2]]

Mr. DAVIS. A letter dated May 19, 1969, from C. G. Rebozo to Mr. Danner, a one-page letter.

[Whereupon, the document referred to was marked Danner exhibit No. 22, for identification.[3]]

Mr. DAVIS. I think the record ought to reveal that I'm referring in all instances to photocopies of the document described and not the original document itself.

A one-page letter dated November 11, 1969, from Mr. Danner to Mr. Rebozo.

[Whereupon, the document referred to was marked Danner exhibit No. 23 for identification.[4]]

Mr. DAVIS. A one-page letter dated November 17, 1969, from Mr. Rebozo to Mr. Danner.

[Whereupon, the document referred to was marked Danner exhibit No. 24, for identification.[5]]

Mr. DAVIS. A one-page letter dated November 19, 1969, from Mr. Danner to Mr. Rebozo.

[Whereupon, the document referred to was marked Danner exhibit No. 25, for identification.[6]]

Mr. DAVIS. A one-page letter dated March 3, 1970, from Mr. Danner to Mr. Rebozo.

[Whereupon, the document referred to was marked Danner exhibit No. 26, for identification.[7]]

Mr. DAVIS. A one-page letter dated March 17, 1970, from Mr. Danner to Mr. Rebozo.

[Whereupon, the document referred to was marked Danner exhibit, No. 27, for identification.[8]]

Mr. DAVIS. The record should reveal at this point that those photocopies of letters I've described as being from Mr. Danner to Mr. Rebozo are obviously photocopies of copies of such letters found in Mr. Danner's file and presumably reflect an accurate copy of the letter that was actually sent. This is what we found in Mr. Danner's file.

A one page letter dated May 19, 1971, from Mr. Rebozo to Mr. Danner to which is attached a purported copy of the letter dated May 14, 1971, from Mr. Danner to Mr. Rebozo and photocopy of a newspaper clipping entitled, "Hoover Took All the Credit" under the byline of Nixon Smiley.

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[1] See p. 11501.
[2] See p. 11502.
[3] See p. 11503.
[4] See p. 11504.
[5] See p. 11505.
[6] See p. 11506.
[7] See p. 11507.
[8] See p. 11508.

[Whereupon, the document referred to was marked Danner exhibit No. 28 for identification.[1]]

Mr. DAVIS. One page letter dated January 18, 1972, from Mr. Danner to Mr. McGrath to which is attached a two page letter dated January 7, 1972, from Mr. McGrath to Mr. Danner and a photocopy of what purports to be a copy of a one page letter dated January 7, 1972, from Mr. McGrath to Mr. Rebozo to which last mentioned letter there is attached a three page memorandum entitled, "Informal Meeting Embassy of Panama, 9 November, 1971, 2 PM."

[Whereupon, the document referred to was marked Danner exhibit No. 29 for identification.[2]]

Mr. DAVIS. A two page letter dated March 1, 1972, from Mr. Danner to Mr. Rebozo to which is attached a two page letter dated February 18, 1972, from Mr. McGrath to Mr. Danner.

[Whereupon, the document referred to was marked Danner exhibit No. 30 for identification.[3]]

Mr. DAVIS. A two page letter dated April 19, 1973, to Mr. Rebozo from Mr. Danner to which is attached a one page letter dated April 12, 1973, from Mr. Rebozo to Mr. Danner.

[Whereupon, the document referred to was marked Danner exhibit No. 31 for identification.[4]]

Mr. DAVIS. Photocopies of the entries of the business diaries—photocopies of entries appearing in a document entitled, "Business Diary for Daily Appointments and Personal Diary for the Year 1968."

[Discussion off the record.]

Mr. DAVIS. A photocopy of the entire diary of Mr. Danner for the year 1968. However, it will be noted that as reflected in the covering letter to Mr. Michel, entries in that diary other than those called for by that grand jury subpena were blanked out.

[Whereupon, the document referred to was marked Danner exhibit No. 32 for identification and retained in files of the committee.]

Mr. DAVIS. Then I have a photocopy of the 1973 diary of Mr. Danner, likewise reflecting all entries in that diary called for by the grand jury subpena.

[Whereupon, the document referred to was marked Danner exhibit No. 33 for identification and retained in files of the committee.]

Mr. DAVIS. Mr. Lackritz, this reflects a duplicate of what was produced pursuant to the subpena of the grand jury. I should point out for the record that part of the understanding with the Special Prosecutor. with the Office of the Special Prosecutor was that Mr. Danner need not duplicate material theretofore produced to the Senate Watergate Committee pursuant to its subpenas to Mr. Danner and what took place in that connection was that we received from the Office of the Special Prosecutor a list of documents which that office presumably obtained from the staff of the Senate Watergate Committee and Mr. Danner undertook to produce pursuant to this grand jury subpena documents in the possession and control of himself covered by this subpena and which were not identified or described in the list furnished to us by the Special Prosecutor's Office.

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[1] See p. 11509.
[2] See p. 11512.
[3] See p. 11519.
[4] See p. 11523.

Mr. LACKRITZ. Mr. Davis, as long as we have just marked the diaries, would you please describe to us which items have been blanked out of the diaries so that we have an understanding what has been omitted from the diaries?

Mr. DAVIS. It isn't a question of what was omitted, it's a question of what was included. You will note by examining the photocopy an indication of what the masking was which took place and if you will look at the grand jury subpena which I assume you have a copy of.

Mr. LACKRITZ. I don't have a copy of it.

Mr. DAVIS. I have no objection and perhaps the record should reflect and have marked the subpena which was issued to Mr. Danner which has been referred to on the record as the grand jury subpena.

Mr. LACKRITZ. That's not responsive to the question.

Mr. DAVIS. Yes; it is, if you'll listen to what I'm saying.

Mr. LACKRITZ. I'm trying.

Mr. DAVIS. Therefore, the diary entries which you have are those diary entries which the grand jury subpena calls for. We have previously furnished you with all diary or diary entries which the prior subpena of the Watergate Committee called for and there is only one way we know of to produce information and that is pursuant to the request. So if you will look at and study the grand jury subpena served upon Mr. Danner, you will have a clear understanding of just what it is that you have received today.

[Discussion off the record.]

Mr. LACKRITZ. Back on the record. Mr. Davis, I just want to clarify my request to you. When I asked you to produce the 1968 and 1973 diaries, I was expecting to get the 1968 and 1973 diaries in their entirety and that is why I'm asking now on what criterion you eliminated certain entries?

Mr. DAVIS. The criteria reflected by the terms of the grand jury subpena which, if you will look at, you will find requires us to produce——

Mr. LACKRITZ. That's all I'm asking.

Mr. DAVIS. That's why I'm suggesting you take a few minutes to look at this grand jury subpena which we were required to reveal all diary entries which reflected or recorded Mr. Danner's travels outside of Washington, D.C., during the period when he was residing and practicing law in Washington, D.C., and outside of Nevada.

Mr. DANNER. And outside of Nevada.

Mr. DAVIS. You open that mouth again and you're going to have to go see a dentist. All travels of Mr. Danner outside the State of Nevada during the period when he became employed by what was then known as Hughes Tool Co. and he moved to Nevada in 1969. So all diary entries which reflected any of those travels anywhere outside of Washington, D.C., during the period when he resided and practiced law here or outside of the State of Nevada when he resided and was employed in the State of Nevada.

In addition to that, all diary entries which reflect or relate in any way to the subjects described in paragraph two of this subpena; namely, political contributions given by or on behalf of Howard R. Hughes or Hughes Tool Co., directly or indirectly to or for the benefit of any Federal office or candidate for Federal office, the payments of any kind by or on behalf of Howard R. Hughes or Hughes Tool Co., directly or indirectly to or for the benefit of any Federal office or

candidate for Federal office. Transworld Airlines litigation involving Howard R. Hughes and Hughes Tool Co., underground nuclear testing in Nevada and acquisition of any hotel and/or casino located in Las Vegas, Nev. by Howard R. Hughes or the Hughes Tool Co. including the Stardust, the Landmark, and the Dunes hotels.

In addition all diary entries which related to item 3 which is all records which record, refer or relate to any meetings, conversations, correspondence, or any other communication or contacts that you have had with any of the following people during calendar years 1968 through 1973 inclusive, listing Richard M. Nixon, Charles G. Rebozo, Howard R. Hughes, John something Mitchell——

Mr. LACKRITZ. I believe it's probably N. Newton.

Mr. DAVIS. John N. Mitchell, Rose Mary Woods, Edward P. Morgan, John H. Meier, F. Donald Nixon, and to answer your question then, sir, the diaries I furnished you reflect all entries relating to the subject matters which I've just described and which are set forth in the subpena and what was masked are personal entries unrelated to the subject matter described in that subpena.

Mr. LENZNER. And who made the determination as to what was relevant to the subpena and what was not, Mr. Davis?

Mr. DAVIS. Counsel reviewed the entire diary and carefully applied the language of the subpena to the entries appearing in the diary.

Mr. LACKRITZ. This was you personally, Mr. Davis?

Mr. DAVIS. It was done by Mr. Lawrence Burstein of my office.

Mr. LACKRITZ. With the assistance of——

Mr. DAVIS. With other lawyers associated with me, but he had the responsibility for and took up with me any problems, if he had any, and my recollection is he didn't have any.

Mr. LACKRITZ. Fine.

[Discussion off the record.]

Mr. LACKRITZ. Did you also bring documents relative to the testimony of Miss Nadine Henley?

Mr. DAVIS. Mr. Lackritz, pursuant to and at the insistence of the staff of the committee that certain documents be produced as reflected by the record and subject to the same objection of rights previously indicated, I have today and under protest made available to you the following.

Mr. LACKRITZ. The subpena will be marked.

[Whereupon, the document referred to above was marked Danner exhibit No. 34, for identification and retained in files of the committee.]

Mr. LACKRITZ. Let's number these separate, maybe as Henley exhibits if we could for the record.

Mr. DAVIS. Henley exhibit No. 1 consisting of a photocopy of a check dated July 30, 1968, in the amount of $25,000 payable to cash to which is attached a receipt dated July 30, 1968, from Robert A. Maheu, agent, and also a photocopy of a document—the computer broke down on that. I know something got fouled up.

Mr. LACKRITZ. In the absence of that, is it possible for you to characterize what the missing note said so we could at least get that on the record now, pending production at a subsequent time.

Mr. DAVIS. Am I on the record now? I have a receipt of Robert A. Maheu to which is attached photocopies of notes from a meeting be-

tween Mr. Mahen, Miss Henley, and Mr. Gay, of the Century Plaza, on July 30, 1968.

Mr. LACKRITZ. Can we put that on the record that you will replace that, that you will furnish us with a full copy of the notes written on the back.

Mr. FREEDMAN. This is what exhibit?

Mr. SCHULTZ. One.

Mr. LACKRITZ. This record will be completed with a full and complete photocopy.

[Whereupon, the document above referred to was marked Henley exhibit No. 1, for identification.[1]]

Mr. DAVIS. Photocopy of a check dated December—of a check dated September 9, 1968, for $50,000 payable to Robert Mahen Associates.

[Discussion off the record.]

Mr. DAVIS. Henley exhibit No. 2 is a check dated September 9, 1968, in the amount of $50,000 payable to Robert Mahen Associates to which is attached a receipt dated September 9, 1968, by Robert A. Mahen as agent.

[Whereupon, the document above referred to was marked Henley exhibit No. 2, for identification.[2]]

Mr. DAVIS. Exhibit No. 3 is a check dated September 9, 1968, for $100,000 payable to Robert A. Mahen Associates to which is attached a receipt dated September 9, 1968, by Robert A. Mahen as agent.

[Whereupon, the document above referred to was marked Henley exhibit No. 3, for identification.[3]]

Mr. DAVIS. A check dated December 5, 1968, for $50,000 payable to cash to which is attached a receipt and to which is attached the following, one receipt dated December 5, 1968, for $25,000 cash by Robert A. Mahen as agent, another receipt dated December 6, 1968, for $25,000 cash by Robert A. Mahen.

Oh, yeah, here is the piece of paper that's missing.

Mr. SCHULTZ. That goes with exhibit No. 1.

Mr. DAVIS. That's the back side of exhibit No. 1, the one that says notes of meeting at the Century Plaza Hotel.

Mr. LACKRITZ. This will be included in Henley exhibit No. 1.

Mr. DAVIS. The record should reveal there is nothing missing.

What is attached to this are notes dated December 5, 1968, entitled, "Deliver to RAM".

Mr. FREEDMAN. That exhibit consists of two pages. That's exhibit No. 4.

[Whereupon, the document above referred to was marked Henley exhibit No. 4, for identification.[4]]

Mr. DAVIS. Henley exhibit No 5 consists of two pages, a photocopy of a check dated March 3, 1969, in the amount of $50,000 payable to Robert A. Mahen Associates to which is attached an unsigned receipt dated March 1969, but having a note reading, "Check drawn 3-3-69, delivered by BG, no receipt signed but we have canceled check," initialed NH.

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[1] See p. 11526.
[2] See p. 11528.
[3] See p. 11529.
[4] See p. 11530.

[Whereupon, the document above referred to was marked Henley exhibit No. 5, for identification.[1]]

Mr. Davis. Exhibit No. 6 consists of two pages being a photocopy of the check dated June 27, 1969, in the amount of $50,000 to cash and accompanied by receipt dated July 11, 1969, signed by Robert A. Mahen as agent.

[Whereupon, the document above referred to was marked Henley exhibit No. 6, for identification.[2]]

Mr. Davis. Henley, exhibit No. 7, consisting of two pages and being a photocopy of a check dated May 26, 1970, for $100,000 payable to Robert A. Mahen Associates to which is attached a receipt dated May 26, 1970, on behalf of Robert A. Mahen Associates. The identity of the person acting on behalf of Robert A. Mahen Associates being illegible but I believe it refers to a Mr. Olsen.

[Whereupon, the document above referred to was marked Henley exhibit No. 7, for identification.[3]]

Mr. Lackritz. That last item was a check from May of 1970?

Mr. Davis. Yes; that is all.

Mr. Lackritz. Now, there was one other request but before we leave that I'd like to ask one other question, Mr. Davis. On some of these copies I can't make out—like for example, exhibit No. 1, they didn't pick out—do you now know whose name appeared on the signing part of that?

Mr. Davis. I'm quite confident it's Lee Murray and it appears more clearly in the endorsement on the back side of the check.

Mr. Lenzner. Now on the second page of that which you have just furnished us, the extra page, do you know whose handwriting that is? That's the second page of exhibit No. 1.

Mr. Davis. I believe Miss Henley testified those were in the handwriting of Mr. Mahen and on the back side of that single sheet of paper is Miss Henley's handwriting indicating what appears on the front side of that exhibit.

Mr. Lenzner. Similarly for exhibit No. 4, the fourth page of exhibit No. 4 is also handwriting which appears to be "Delivered 12–5–68 to R.A.M."

Mr. Davis. That's the handwriting of Nadine Henley.

Mr. Lackritz. Just to clarify the items you're producing now from Miss Davis, I'd like to submit for the record a copy of the letter sent to you, Chester Davis by Marc Lackritz dated February 22, 1974, and have that marked as a Henley exhibit, please.

[Whereupon, the document above referred to was marked Henley exhibit No. 8, for identification.[4]]

Mr. Lackritz. Mr. Davis, in regard to that letter about Miss Henley's testimony there was an additional check from an unknown——

Mr. Davis. I didn't hear that.

Mr. Lackritz. There was an additional check requested in that letter with the date unknown from 1969. It was made out to Robert A. Mahen Associates for an additional $50,000. As I understood Miss Henley's testimony she said Mr. Mahen received $150,000 in 1969.

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[1] See p. 11532.
[2] See p. 11534.
[3] See p. 11535.
[4] See p. 11536.

Mr. Davis. That, sir, is correct, but that testimony also revealed that the other $50,000 was furnished to Mr. Maheu with the notation that it was for statewide Nevada and Las Vegas contributions which I understood from the testimony, the request, you were interested in contributions made for the national offices.

Mr. Lackritz. Could I make a point and then I'll be more than happy to let you respond. We're interested in the sum total of cash received by Mr. Maheu during 1969.

Mr. Davis. You will not have that, sir, unless you describe what for. Mr. Maheu received cash for a lot of things including some of his own personal activities. The testimony of Nadine Henley and that which I undertook to consider and furnish to you, which I am furnishing to you, are moneys made available to Mr. Maheu for Federal offices. We have not attempted to, and Miss Henley did not attempt to testify with respect to cash made available to Mr. Maheu for State and local contributions. In her testimony she made clear the sum you referred to, $50,000 of it was for State and local contributions and I personally satisfied myself that the notation with respect to that $50,000 states that it was for State and Las Vegas contributions.

Mr. Lackritz. I will verify in the testimony of Miss Henley that is what she did identify that $50,000 as being for. My only question is when was that $50,000 given to Mr. Maheu and in what form was it given to Mr. Maheu so that we have an accurate record of what transspired in 1969?

Mr. Davis. I don't know what the basis for that inquiry is with respect to a matter so clearly outside of your inquiry, but I'm perfectly willing to oblige you by saying that that particular check was dated May 13, 1969, for $50,000 and it was payable to the order of Robert A. Maheu Associates.

Mr. Lackritz. Is there a receipt from Mr. Maheu that he received that money?

Mr. Davis. Yes, sir, on which receipt is dated and has for Nevada and L. V. local.

Mr. Lackritz. Would you like to take a brief recess?

Mr. Davis. That happens all the time. It just prevents me from getting ulcers.

Mr. Lackritz. Now referring to exhibit 8 of the Henley exhibits, do you have a copy of the list compiled by the accountants for the Silver Slipper Casino detailing the withdrawal of cash from the Silver Slipper that obviously would be used for political contributions?

Mr. Davis. No; what Miss Henley referred to as having seen is part of the work product in connection with an effort to obtain an adequate accounting from Mr. Maheu. It is not a document that Miss Henley had. It is not part of—well, the corporate records reflect what they reflect. What she testified to and that which I'm not producing is any portion of the investigative work which was done by counsel in connection with the pending lawsuit.

Mr. Lackritz. You're representing on the record that the copy of this list was as a result of counsel's investigation of private matters? I just want to make sure that is put on the record.

Mr. Davis. Miss Henley recalls having seen something which had been prepared. It's a creation, it's not a record of the company or Miss

Henley and I confirmed what it is that she recalls having seen and it was part of, and only part of, the investigative process that was then ongoing with respect to withdrawals from the——

Mr. LACKRITZ. Who compiled the list so we can accurately identify it on the record?

Mr. DAVIS. The work was done by my staff, based upon records that we were then unearthing relating to withdrawals from the Silver Slipper and involved a number of withdrawals by Mr. Maheu, on behalf of Mr. Maheu and involving Mr. Nigro and relating, among other things, the investigation which was undertaken under my guidance and supervision in connection with this lawsuit.

Mr. LACKRITZ. This is a list of those records having been prepared by your staff which is being produced at this time?

Mr. DAVIS. I'm not producing any part of it.

Mr. LACKRITZ. You haven't produced that to date, have you?

Mr. DAVIS. I didn't understand they were being asked for. It would be improper to ask for that on entirely different grounds.

Mr. LACKRITZ. I don't want to get into that, I just want to make sure the record is clear. OK, Mr. Davis, then the third item requested in the letter was a copy of a memo dated January 7, 1970, from Nadine Henley to Mr. Hughes concerning withdrawal of cash from the Silver Slipper and certain discrepancies in the books of account of Miss Henley and Mr. Maheu. Do you have that item?

Mr. DAVIS. I'm not producing and am rejecting a request, if you are making a request, that particular memo from Nadine Henley to Mr. Hughes.

Mr. LACKRITZ. On what grounds, Mr. Davis?

Mr. DAVIS. It's none of your business. You've got the facts. I've given you the facts and you can do with them whatever you want to.

Mr. LENZNER. I think we've hit a new low or a new high and I'm not sure which.

Mr. LACKRITZ. This is a legal objection, I take it?

Mr. DAVIS. Yes.

Mr. LACKRITZ. Let me ask you, Mr. Davis, so it's clear on the record, you're not producing item 3 of that letter? Item 4 we requested from you on February 22, 1974, a copy of a list of expenditures incurred in 1968 by Robert Maheu Associates on behalf of Howard Hughes. Miss Henley testified it was provided to her by Richard Ellis in 1969. Have you produced that list for us today?

Mr. DAVIS. No. I'm not producing that list if it was covered by your prior request. It was the subject of testimony in the action now pending in the courts in California. I'm unclear at the moment whether or not it was put into evidence in that proceeding. If it is a matter of public record I'll have no objection as a matter of courtesy to you, not because I think it's anything you as a representative of the staff of the committee is entitled to have. I may point out in that connection that it does not relate as such to Federal contributions but I'll be glad to inquire as to whether or not it has been put into evidence in the liable action and if it has been, obviously you can have access to it.

Mr. LACKRITZ. To complete the record, Mr. Davis, the fifth item requested in the letter on February 22 was a copy of the memo from Nadine Henley to Mr. Howard Hughes dated sometime in May, in and around May 1970.

Mr. DAVIS. My prior comment is equally applicable.

Mr. LACKRITZ. Allegedly written as a followup to the prior memo which you refuse to produce and I take it you're objecting on the same grounds to the production of this memo?

Mr. DAVIS. That is correct. I may say if the staff of the committee would like to make some appropriate arrangement to participate with me in the actions now pending in the Federal courts, your assistance will be welcome.

Mr. LACKRITZ. I take it that is not any kind of offer, is it, Mr. Davis? That would be wholly inappropriate?

Mr. DAVIS. I don't know what your ground rules are as to the activities you engage in and whether they are appropriate or not.

Mr. LENZNER. Withdrawal of funds from the Silver Slipper are related, are they not, to the testimony we received heretofore, that those funds were used in the Federal campaigns for Presidential elections.

Mr. DAVIS. No, that is a question which is the subject matter of a dispute which is now being litigated. Those records to the extent to which they are relevant to anything to the extent to which they have been offered except in evidence in the liable action are presumably not a public record but they merely reflect withdrawals from the Silver Slipper.

Mr. LENZNER. They reflect withdrawals that are related to funds that were openly expended on Presidential campaigns, Mr. Davis.

Mr. DAVIS. Not to our knowledge. I think those are funds that went elsewhere as part of the proceeding which is now involved in a liable action.

Mr. LENZNER. Do you know if that document that is requested in Mr. Lackritz's letter has been produced as a public document in Los Angeles to your knowledge?

Mr. DAVIS. I think I've indicated before.

Mr. LENZNER. You don't know whether that has been an exhibit out in California?

Mr. DAVIS. What has been an exhibit?

Mr. LENZNER. Item 5.

Mr. DAVIS. Item 5 referred to the testimony of Miss Henley having seen something which was the work product. Quite apart from that there has been in the liable action in Los Angeles an attempt to obtain an accounting with respect——

Mr. LENZNER. I think item 5 is not that. Item 5 is a copy of a memo from Mr. Henley to Mr. Hughes.

Mr. DAVIS. That I've covered already. You're referring to withdrawals from the Silver Slipper.

Mr. FREEDMAN. He defined it clearly before and rely on the record for your understanding. You weren't listening.

Mr. LENZNER. All he said was it was none of our business. He said it was subject to the same objection.

Mr. LACKRITZ. As item 3 and that was objected on the same basis.

Mr. DAVIS. I'll try to be accurate with respect to what is in evidence in the California action. I said to you the extent to which it is in evidence and the extent to which the court rules permit documents that have been introduced in evidence becoming a public record, I have

no objection to cooperating as a matter of personal courtesy and make you available that which is a matter of public record but to my knowledge what you're now talking about is not a matter of public record.

Mr. LENZNER. All I'm noting for the record is that it's our understanding that that transaction may relate to withdrawal of funds that were used in Federal elections and therefore, would come in the purview of our subpena and, therefore, Mr. Davis, the subpena should be complied with in that regard.

Mr. DAVIS. You're confusing several things, Mr. Lenzner, which is not unusual. Let me point out something to you. You're referring now to a memo from Miss Henley to Mr. Hughes which she identified, informing Mr. Hughes of the request of Mr. Maheu for funds. It is not a disposition of funds. One moment you talk about the records which reveal withdrawals from the Silver Slipper and in the next instance you refer to memos from Miss Henley to Mr. Hughes and then you refer to matters which have been put into the record and then you refer to a subpena which is an entirely different question.

What I undertook to do during the course of Miss Henley's testimony—in her testimony she made references to her recollection with respect to certain documents. A request was made for her to produce those documents. I undertook to take those requests under advisement and I have given the matter consideration and I have responded to the request as reflected in the record, not pursuant to any subpena but that is the extent to which I expect to comply with the request.

Mr. LACKRITZ. Why don't we start, Mr. Danner, by getting into the 1968 diary entries that you produced today and our questioning will focus on the events in 1968 that led up to the attempted contributions in 1968 which we discussed previously.

Mr. ARMSTRONG. There are some entries that are hard to read. The entries are a little faint, so I probably will have some questions which aren't relevant to our inquiry.

January 5, can you tell me what it says and if it has any bearing on Mr. Rebozo or the campaign and your relationships with Mr. Morgan?

Mr. DANNER. The only thing I can recall——

Mr. DAVIS. Either you can read the entry or you can't.

Mr. DANNER. I can read "Tampa".

Mr. LENZNER. Is that your handwriting on the copy?

Mr. DANNER. It's hard to say.

Mr. DAVIS. May I suggest that Mr. Danner, during the luncheon recess, attempt to have the entry itself read to him, which is not legible on this photocopy; and for the record we'll apologize for the illegibility of the photocopy.

Mr. ARMSTRONG. On a trip to Tampa during that period, Mr. Danner, would you have likely visited Mr. Rebozo or met Mr. Rebozo in Tampa?

Mr. DANNER. January 5, 1968?

Mr. ARMSTRONG. Yes.

Mr. DANNER. I would say it would be unlikely.

Mr. ARMSTRONG. Would that have any——

Mr. DANNER. I don't ever recall having met him in Tampa.

Mr. ARMSTRONG. Is that a place you would likely visit Mr. A. D. Davis?

Mr. DANNER. No.

Mr. ARMSTRONG. Or would that have any bearing on your relationship at that time with Mr. Edward Morgan?

Mr. DANNER. No.

Mr. ARMSTRONG. Or with the campaign?

Mr. DANNER. No.

Mr. ARMSTRONG. Or any officials or to become officials of the 1968 campaign?

Mr. DANNER. No.

Mr. ARMSTRONG. Monday, January 8, 1968, "NAL to DCA." I assume that's a trip to Washington?

Mr. DANNER. National Airlines to Washington, tips and cab.

Mr. LENZNER. Is that your handwriting?

Mr. DANNER. Yes, that looks like it.

Mr. ARMSTRONG. Do you know where you would have been returning from, the immediate prior entry that hasn't been blotted out in the diary is the trip to Tampa. Would you have been to Tampa from the 5th through 8th?

Mr. DANNER. Yes, I could have been.

Mr. ARMSTRONG. If there had been a trip up to Miami from Tampa or down to Miami from Tampa, that would not have been blotted out, is that right, under the ground rules?

Mr. DAVIS. That is correct. All entries reflecting travel outside of Washington, D.C., during that period were produced.

Mr. ARMSTRONG. I have an entry January 25, 1968, to Miami and Freeport, National Airlines. Do you know if that reflects a visit to Mr. Rebozo or if you saw Mr. Rebozo on that trip. It might help if I also showed you January 28 entry which reflects a trip to Miami via the Bahamas and there are parts of that entry that I can't make out either.

Mr. DANNER. Sunday, January 28. My recollection of this is that this was the dedication of a ship. A client I was representing had a new ship to be commissioned there at the port of Miami and this ship to ply between Miami and Freeport and I was making some arrangements. This has nothing to do with any campaign activities.

Mr. ARMSTRONG. Would it have reflected a visit with Mr. Rebozo?

Mr. DANNER. I don't recall that he was involved in this at all.

Mr. ARMSTRONG. Incidentally, at any time, did you represent Mr. Ludwig, D. K. Ludwig?

Mr. DANNER. No.

Mr. ARMSTRONG. Or National Bulk Carriers?

Mr. DANNER. No.

Mr. ARMSTRONG. January 29, trip to Miami, from Miami to Washington. I'm sorry, that's just the return of you down there on the 28th, is that correct?

Mr. DANNER. It looks like I'm coming back. That's about all I can say.

Mr. ARMSTRONG. February 14 reflects a luncheon with Edward Morgan regarding Las Vegas?

Mr. DANNER. Yes.

Mr. ARMSTRONG. Could you tell us what that would be?

Mr. DANNER. I wouldn't know offhand what the subject matter having to do with Las Vegas was. I don't know if this was the beginning of those negotiations or not.

Mr. ARMSTRONG. The propaganda negotiations?

Mr. DANNER. Yes.

Mr. ARMSTRONG. Underneath on the same date, underneath that entry it reflects a meeting, a cab to the St. Moritz Hotel and then it says, "McGrath". Is that Eugene McGrath?

Mr. DANNER. Yes.

Mr. ARMSTRONG. Do you know if that business would have had anything to do with something you may have later discussed with Mr. Rebozo?

Mr. DANNER. No. I was representing him at that time in another matter.

Mr. ARMSTRONG. On the 15th it reflects a trip to the Dominican Republic. Do you know if that reflects a matter that ever became the subject of conversation with Mr. Rebozo?

Mr. DANNER. I'd state it did not.

Mr. ARMSTRONG. February 29 there is a long distance call to Mr. Morgan. This is still precampaign involvement?

Mr. DANNER. Yes.

Mr. ARMSTRONG. Would the discussion with Mr. Morgan during that period have had to do with the campaign?

Mr. DANNER. No. I was not interested at that time.

Mr. ARMSTRONG. March 6, a trip to Orlando. Do you know if there would have been a meeting in that period with Mr. Rebozo?

Mr. DANNER. No.

Mr. ARMSTRONG. Friday, March 8, the second line of writing says, "To Wildwood to pick up Hurlong and return to Leesburg." Does that reflect anything?

Mr. DANNER. No.

Mr. ARMSTRONG. Anything you would later have discussed with Mr. Rebozo?

Mr. DANNER. No.

Mr. ARMSTRONG. On March 16 and 17 is another trip to Tampa, would that have reflected any contact with Mr. Rebozo?

Mr. DANNER. No.

Mr. ARMSTRONG. Tuesday, March 19 to Annapolis, Md. for a hearing before House committee?

Mr. DANNER. That had no connection.

Mr. ARMSTRONG. On Friday, March 22 there is an entry which appears to be long distance and then something—"Bebe R. regarding campaign."

Mr. DANNER. Yes.

Mr. ARMSTRONG. Can you tell what the substance of that would have been? Can you tell what the words are between LD and Bebe R.?

Mr. DANNER. It looks like LD call, long distance call to Bebe R., re campaign. My recollection is that it was about this time that I was first approached as to whether I would take an active part in the 1968 campaign.

Mr. ARMSTRONG. And do you know who would have approached you initially.

Mr. DANNER. Bebe.

Mr. ARMSTRONG. And do you know—what was your understanding of Mr. Rebozo's role in recruiting you at that point?

Mr. DANNER. Well, my recollection in the early conversations which could have been around this time was just to sound me out as to whether I would be interested or available since I was a registered Democrat being recruited for a Republican campaign.

Mr. ARMSTRONG. Do you know if that call would have been at the President's request?

Mr. DANNER. No; I wouldn't know at that time.

[Discussion off the record.]

Mr. ARMSTRONG. Would that have been at the request of then candidate Nixon?

[No response.]

Mr. ARMSTRONG. Do you know if Mr. Rebozo mentioned the then candidate Nixon in the first conversation?

Mr. DANNER. Kennedy, Nixon. At this time Kennedy had passed from the scene.

Mr. ARMSTRONG. I'm sorry, candidate Nixon.

Mr. DANNER. My recollection of the approach was, would I take an active part in the Nixon campaign should he be the nominee.

Mr. ARMSTRONG. Was Mr. Rebozo recruiting people at that time or what did you understand his connection with the campaign to be?

Mr. FREEDMAN. Just what Mr. Rebozo told you, not your understanding.

Mr. DANNER. You must understand this was before even the Presidential primaries had started and I think he was sounding out people like me as to whether at some future time we would participate.

Mr. ARMSTRONG. Did he indicate anyone else he was sounding out at that time?

Mr. DANNER. No; or I don't recall.

Mr. LACKRITZ. Did he indicate to you what his responsibilities were going to be in the 1968 campaign?

Mr. DANNER. I don't recall any specific conversation. We assumed he would take an active role in whatever campaign Nixon might run.

Mr. LACKRITZ. Did that include an active role in a variety of areas in the campaign?

Mr. DANNER. Yes.

Mr. LACKRITZ. Did it include an active role in fundraising in the 1968 campaign?

Mr. FREEDMAN. At this point did you know that?

Mr. DANNER. No.

Mr. LACKRITZ. Is the no answer in response to Mr. Freedman's interjection?

Mr. DANNER. The only contacts then were lining up those people who had previously been active in the Kennedy campaign of 1960 who might now support Nixon if he became the nominee.

Mr. LACKRITZ. At that time did Mr. Rebozo ask you if you would be interested in any fundraising activities?

Mr. DANNER. No; there were no specifics, just would I be interested and would I take a role in it.

Mr. LACKRITZ. Did Mr. Rebozo say at that time he was involved in fundraising?

Mr. DANNER. No. Funds never came up in the discussion at that time.

Mr. ARMSTRONG. Did Mr. Rebozo indicate then or at any subsequent time how he had decided to call you or what criteria he had used?

Mr. DANNER. Well, as I previously testified we had been together in several campaigns in Florida and I think his reasoning was that I had experience, organizational experience particularly that might be advantageous to have me involved in the campaign.

Mr. DAVIS. Mr. Danner, the question was whether or not you knew how Mr. Rebozo decided to do something. Now, unless Mr. Rebozo told you something that would lead you—or somebody else told you something to lead you to understand why he did what he did, I suggest that you answer the question that is put to you, otherwise, we will never get through and they will always find something else that requires further explanation or reconciliation. I'm not objecting to the form of your question, Mr. Armstrong. I understand you're not a lawyer by training.

Mr. ARMSTRONG. Yes, sir, that's correct. Did Mr. Rebozo indicate at that or any later time what criteria he used to recruit individuals involved in the Kennedy campaign for the upcoming Nixon campaign?

Mr. DANNER. I recall no specific discussion on that.

Mr. ARMSTRONG. On March 29, Friday, it indicates a trip to New York City. Do you know if that was related to the upcoming campaign activity or meeting anyone who would be involved in the upcoming campaign?

Mr. DANNER. No; I can't.

Mr. ARMSTRONG. Can you recall who that meeting was with? I assume your copy also blots out a line and then the amount expended on the trip and return?

Mr. DANNER. Is your question do I know what that trip was for?

Mr. ARMSTRONG. Right.

Mr. DANNER. No.

Mr. ARMSTRONG. Do you have accessible to you the original copy of the diary so that you, yourself, can be sure your answers are complete.

Mr. DAVIS. The original diary is still available, sir, somewhere. As I pointed out earlier, the request was to include all entries that indicated travel outside of Washington, D.C., during the period and that's why that entry was there. If the entry related to any of the other subject matter or if there was anything in the entry which the witness could relate to any of the subject matters of this subpena, it would not be blanked out. So that's the reason why you will find there an entry or portions of an entry which reflect a movement outside of Washington, D.C., since Mr. Michel insisted that all such entries be revealed but he also concurred that there was no need to have any entry which related to subject matter unrelated to the items described in the subpena. So, I can assure you that whatever there is following New York City relates to a subject matter outside the scope of that subpena and does not refer to any of the persons listed on that subpena.

Mr. ARMSTRONG. I was merely suggesting, Mr. Danner, if you had the original diary in front of you as we were going through it you might be in a better position to say definitively what the nature of the trip was.

Mr. DAVIS. His answer is quite definite.

Mr. DANNER. The subpena did not say for what purpose. It just said travel.

Mr. DAVIS. The point I'm trying to make, Mr. Armstrong, is that Mr. Michel refused to construe the subpena as one which merely called for out-of-town trips relating to the subject matter of the subpena. Do you follow what I'm saying?

Mr. ARMSTRONG. I follow what you're saying.

Mr. DAVIS. Therefore, in compliance with the subpena we furnished, not only all entires relating to the subject matter of the subpena including the person's name therein, but we also included all entries which showed a trip outside of Washington, D.C. during the one period or outside the State of Nevada during the subsequent period, whether or not those trips related in any way to the subject matter of the subpena or the persons named in the subpena. If you want to question what we're doing, you're free to do so at some time. You're going to waste time so far as I'm concerned by attempting to suggest that these entries involved in any way, shape or form, any of the subject matter of the subpena or the persons named therein, because if that entry did, it would be reflected in what is before you.

Mr. ARMSTRONG. All I'm suggesting, Mr. Davis, is that it might be the most expeditious way to proceed, if the diary is available in Washington, when we come back after lunch, might be to proceed——

Mr. DAVIS. I think the rights of this witness have been sufficiently trampled. We have provided what we provided and I suggest we proceed as expeditiously as we can.

Mr. ARMSTRONG. As I understand Mr. Danner's answer, he doesn't believe the trip had anything to do with the campaign but he can't be certain?

Mr. DAVIS. Yes, he's certain of everything, because if it had to do with the campaign it would not have that masking on it. I don't know how many times I'm going to have to repeat the same thing, sir.

Mr. ARMSTRONG. Did Mr. Danner edit the diary himself?

Mr. DAVIS. It was done in connection with him. Any time there was any entry that suggested anything, Mr. Danner was consulted as to whether or not it had any possible relationship to the subject matter of the subpena and for your information, Mr. Armstrong, we have completely complied with what is being done here even though I think your conduct is completely improper and illegal and I'm perfectly prepared to test that position in court at any time.

Mr. ARMSTRONG. Moving along to April 2, it reflects a long distance call to Mr. Rebozo followed by the initials ONA. Can you tell us what the substance of that call was?

Mr. DANNER. ONA is Overseas National Airlines, a client of mine.

Mr. ARMSTRONG. Can you tell me what the conversation with Mr. Rebozo would have consisted of?

Mr. DANNER. I have no recollection at this date.

Mr. ARMSTRONG. Can you recall at this time any reason why Mr. Rebozo would have had any interest in or would have been a proper person to call with respect to something about Overseas National Airlines?

Mr. DANNER. No, I have no recollection.

Mr. LENZNER. Do you know if it had anything to do with the campaign or campaign contributions, Mr. Danner?

Mr. DANNER. No, I have no recollection but that date would be very unlikely.

Mr. LENZNER. And just to clarify, did I understand you to testify prior, when Mr. Rebozo called you originally it was to seek your assistance, possible assistance once Mr. Nixon was nominated but not your assistance during the primary campaign?

Mr. DANNER. Yes, I don't recall whether or not he had even announced his candidacy at that time. It was sort of an idea would you be helpful if he decided.

Mr. LENZNER. If he decided to run for the nomination or if he was nominated and ran?

Mr. DANNER. After the nomination.

Mr. ARMSTRONG. Now, the entries beginning April 9 and running through April 12, the first entry Tuesday, April 9, says, "Long distance from Rebozo-Miami regarding meeting there tomorrow." Can you explain those entries through the entries on April 12?

Mr. DANNER. Yes, I was called by Bebe and asked if I could come down to Miami and attend a meeting which was to be held in Miami. When I got to the airport, I was called to go over to Butler Aviation where a private plane was waiting and they flew me over to Walker Cay which is in the Bahamas and there I met with Mr. Nixon and Mr. Rebozo at Mr. Abplanalp's house. He owns the island. I visited with them for a couple days.

Mr. ARMSTRONG. In addition to Mr. Nixon and Mr. Rebozo, was Mr. Abplanalp present?

Mr. DANNER. Yes.

Mr. ARMSTRONG. Was anyone else present?

Mr. DANNER. Not that I recall.

Mr. ARMSTRONG. Can you tell us what the purpose of that meeting was and what the subjects discussed were?

Mr. DANNER. As I recall it was mostly a social visit. We fished, we talked, they took me on an entire tour of the islands, the property, two cays called Walker Cay and Brand Cay and what their future development plans were on the island. I don't recall any discussion of politics on that occasion.

Mr. ARMSTRONG. When you say their future development plans, to whom are you referring?

Mr. DANNER. The plans to develop Walker Cay and Grand Cay.

Mr. ARMSTRONG. I mean whose plans were those?

Mr. DANNER. These were Precision Valve, Abplanalp's company.

Mr. ARMSTRONG. Was there any indication Mr. Nixon or Mr. Rebozo had any interest in those islands?

Mr. DANNER. No.

Mr. ARMSTRONG. And there was no discussion of the campaign at that time?

Mr. DANNER. None that I recall.

Mr. LENZNER. Was there any discussion of potential campaign contributions or contributors?

Mr. DANNER. No.

Mr. LENZNER. Was there any discussion of any investments or any interest Mr. Nixon might be about to acquire in Florida?

Mr. DANNER. No.

Mr. ARMSTRONG. And you returned from that trip on Friday, April 12, is that correct, you returned to Miami and then to Washington?

Mr. DANNER. It looks like it. We returned from Walker Cay on the 11th.

Mr. ARMSTRONG. It says a trip to New York City on April 14. Would that have any bearing on the campaign?

Mr. DANNER. I have no recollection that it did.

Mr. ARMSTRONG. The trip on April 15 to Santo Domingo, would that have had any bearing on the campaign and anything to do with what you may have discussed with Mr. Rebozo subsequently?

Mr. DANNER. No.

Mr. ARMSTRONG. On Thursday, April 18 there is a word and I can't read. It says something to San Juan?

Mr. DANNER. Carib Air to San Juan.

Mr. ARMSTRONG. Would that have reflected a meeting with Mr. Rebozo?

Mr. DANNER. No, that's returning from the trip to Santo Domingo.

Mr. ARMSTRONG. Then it says Eastern Air Lines to Miami?

Mr. DANNER. Right.

Mr. ARMSTRONG. Do you know if you would have met with Mr. Rebozo on that occasion?

Mr. DANNER. No.

Mr. ARMSTRONG. Now, it reflects you rented a car there. I assume you stayed in Miami that night. On Friday, April 19 it says, "Breakfast, Rebozo and Smathers."

Mr. DANNER. Yes.

Mr. ARMSTRONG. Can you tell us what was discussed on that occasion?

Mr. DANNER. No; I have no recollection.

Mr. ARMSTRONG. Do you know if that would have included a discussion of upcoming campaign finances?

Mr. FREEDMAN. He already said he didn't know what it was about.

Mr. DANNER. I wouldn't recall. We may have been getting up a golf game.

Mr. ARMSTRONG. Was it anticipated at that time that Senator Smathers would play a role in the campaign?

Mr. FREEDMAN. Only if you know.

Mr. DANNER. Not that I know of.

Mr. ARMSTRONG. Friday, May 3 reflects an entry, "Ed Morgan, Tropicana." That's the proposed acquisition of the Tropicana and other officials by Winn-Dixie?

Mr. DANNER. Yes.

Mr. ARMSTRONG. Do you know at that time if you would have had any discussion with Mr. Morgan relating to the upcoming campaign?

Mr. DANNER. I have no recollection. This had only to do with Tropicana.

Mr. ARMSTRONG. Would you have discussed at the time or any subsequent time with Mr. Morgan any possible contributions by Mr. A. D. Davis in the campaign?

Mr. DANNER. No; Morgan didn't know Davis.

Mr. FREEDMAN. As far as you know.

Mr. DANNER. For all I know.

Mr. ARMSTRONG. On Monday, May 6, that's long distance to Morgan, Las Vegas, Tropicana Hotel reflecting the same matter?

Mr. DANNER. Yes.

Mr. ARMSTRONG. Still no campaign bearing?

Mr. DANNER. The answer is yes.

Mr. ARMSTRONG. It has no bearing on the campaign?

Mr. DANNER. No bearing.

Mr. ARMSTRONG. Trip on Wednesday, May 8, Las Vegas trip. That's returning from Las Vegas?

Mr. DANNER. Yes.

Mr. ARMSTRONG. Tuesday, May 14, long distance to Rebozo regarding meeting in Miami?

Mr. DANNER. I have no recollection what the meeting was concerned with.

Mr. ARMSTRONG. It reflects on Friday, May 17. Do your records have an entry, "Rebozo-Miami-Nixon." Is that the meeting?

Mr. DANNER. I recall that sometime around this time—this is getting into mid-May, of having met with Rebozo and Nixon in Miami at which time we discussed further the possibility of my participation in the campaign in the event Mr. Nixon was nominated.

Mr. ARMSTRONG. Does your entry on Friday, May 17, indicate you were in Miami at that time?

Mr. DANNER. It would appear so—no, it looks like "L. D."

Mr. ARMSTRONG. You mean next to 12 o'clock there appears to be something above Rebozo? You think that's "L.D."?

Mr. DANNER. It looks like "L. D."

Mr. ARMSTRONG. That would reflect a long-distance conversation with Rebozo?

Mr. DANNER. Yes.

Mr. ARMSTRONG. And what would Miami-Nixon mean after Rebozo?

Mr. DANNER. Probably a call to Miami discussing the same subject matter of Nixon's potential candidacy.

Mr. SCHULTZ. We're still in 1968?

Mr. DANNER. Yes.

Mr. ARMSTRONG. On Sunday, May 19, there's a notation, "Nixon to New York City via Eastern Airlines shuttle, cab to Westchester," and then an entry to Pittsburgh and Miami, Eastern Airlines shuttle and then there is something blotted out and $18?

Mr. DANNER. I was asked to go up to New York and meet with Mr. Nixon in Westchester and to fly with him to Pittsburgh and Miami.

Mr. ARMSTRONG. Is what you're referring to the mid-May meeting that took place in Miami?

Mr. DANNER. This is when we began to get more active in these discussions as to the role I might play and so on.

Mr. ARMSTRONG. Would that have reflected the first time you discussed with the President himself the role you might play?

Mr. DANNER. No, I think there was a previous occasion when we met in Miami, but I had not yet made up my mind whether I could, No. 1, or should, No. 2.

Mr. ARMSTRONG. The previous occasion you met in Miami would have been——

Mr. FREEDMAN. Whatever he said it was. He testified to it.

Mr. ARMSTRONG. He hasn't. He said mid-May.

Mr. DAVIS. Let's understand, Mr. Armstrong, the witness is not trying to mislead you and I'm certainly not trying to mislead you by suggesting this diary would reflect all trips to Miami or elsewhere. All we can give you is all the entries in this diary which do reflect without any representation of any kind that this diary necessarily reflects every time Mr. Danner left Washington or visited Miami or did anything else.

Mr. ARMSTRONG. I appreciate that. I think Mr. Danner's testimony is helpful.

Mr. DAVIS. Your question seemed to indicate you did not understand which entry in this diary reflected a meeting which this witness has some recollection of having taken place. I just want to make sure for the record that you're not misled into thinking this diary necessarily reflects everything Mr. Danner did.

Mr. ARMSTRONG. I'm just trying to see if that was not the first time Mr. Danner had met candidate Nixon, if he thought the first meeting with Nixon on the campaign was sometime in mid-May in Miami?

Mr. DANNER. I seem to recall we had had a meeting in Key Biscayne earlier.

Mr. LENZNER. You mean prior to this last entry?

Mr. DANNER. Right.

Mr. ARMSTRONG. Would there have been any discussion of campaign finances on the trip, either the earlier meeting in Miami or on this trip from Westchester down through Pittsburgh and to Miami?

Mr. DANNER. No.

Mr. ARMSTRONG. What was your understanding from talking with the President as to how he conceived your role?

Mr. FREEDMAN. What was his understanding? Why don't you ask him what the President told him?

Mr. ARMSTRONG. What did the President tell you in mid-May?

Mr. DANNER. He related to me he was in the process of formulating a campaign committee and felt that I should take an active role in it and I recall the discussion that I could not participate in the Presidential primary, I didn't have the time, but that I was interested in his candidacy and I would have to reserve a decision until later on.

Mr. LENZNER. You say on this airplane trip with Mr. Nixon he indicated he did want you to work during the primary for him?

Mr. DANNER. No, I had made no commitment yet.

Mr. LENZNER. I'm not asking about a commitment you made. I'm asking whether he indicated to you he wanted you to work in his behalf during the primaries?

Mr. DANNER. I don't recall his asking me that. I had made it quite clear earlier that I would not participate in these Presidential primaries.

Mr. LENZNER. You mean at the prior meeting in Key Biscayne?

Mr. DANNER. The discussions with Rebozo and Mr. Nixon.

Mr. LENZNER. On the plane trip on May 19, was anybody else present as part of those discussions with Mr. Nixon besides yourself?

Mr. DANNER. No, there was just the two of us on the flight.

Mr. LENZNER. And did Mr. Nixon indicate any specific role he wanted you to play in his campaign?

Mr. DANNER. No.

Mr. LENZNER. Did he indicate any specific role Mr. Rebozo was going to play?

Mr. DANNER. No.

Mr. LENZNER. Now, in the meeting that took place prior to May 19 in Key Biscayne, who was present at that meeting?

Mr. DANNER. I think according to this it would just be Bebe Rebozo and Nixon and I.

Mr. LENZNER. You're referring to the meeting of May 19?

Mr. DANNER. Right.

Mr. LENZNER. Is it your recollection that entry does reflect a meeting?

Mr. DANNER. I can't recall. This was probably a phone call. It very well could have been they called me and set up the meeting on the 19th. I don't recall.

Mr. LENZNER. But you do recall having specific recollection of being in Key Biscayne prior to May 19, 1968?

Mr. DANNER. No, I don't.

Mr. LENZNER. Do you recall a discussion with Mr. Nixon and Mr. Rebozo prior to your last trip where your possible role on behalf of Mr. Nixon was discussed?

Mr. DANNER. I recall there was some discussion which Mr. Nixon and Mr. Rebozo were involved together, all having to do with the same subject matter but nothing specific as to the role I might play or the duties I might assume, when I might come in. It was just generally whether I could help.

Mr. DAVIS. For clarification of the record, I think the question, Mr. Danner, was whether or not you recall if such a meeting took place before May 19 or after May 19 or if you can place any kind of a date other than the extent to which you've indicated so far?

Mr. DANNER. No, I have no independent recollection.

Mr. DAVIS. As to the time?

Mr. DANNER. As to the time.

Mr. DAVIS. You just recall that a conversation or meeting took place as you've described it?

Mr. DANNER. Yes.

Mr. LENZNER. Was there any discussion at the meeting you've just described prior to May 19 as to what Mr. Rebozo's role might be, between Rebozo, yourself, and Mr. Nixon?

Mr. DANNER. No.

Mr. ARMSTRONG. On your trip on Sunday, May 19, at that or any other time, did you discuss with the President his personal finances?

Mr. DANNER. Did I discuss with him?

Mr. ARMSTRONG. Yes.

Mr. DANNER. No.

Mr. ARMSTRONG. When did you return from Miami? I gather that trip indicates a swing up to Westchester and down with the President to Pittsburgh and Miami and then there is an entry blotted out on May 20 and on May 21 an entry, "National Airlines to Jacksonville."

Mr. DANNER. Jacksonville, yes.

Mr. ARMSTRONG. Would that have been coming back from Miami?

Mr. DANNER. Well, the shuttle doesn't run to Miami. It's only Washington to New York. I don't know what that reference is.

Mr. ARMSTRONG. By that reference, you're pointing to the section blotted out on May 19?

Mr. DANNER. Yes.

Mr. ARMSTRONG. In between Eastern Airlines shuttle and $18?

Mr. DANNER. Right.

Mr. ARMSTRONG. Do you recall returning from Miami prior to Tuesday, May 21?

Mr. DANNER. My recollection is I went to Miami from Jacksonville.

Mr. ARMSTRONG. That would be on Tuesday, May 21?

Mr. DANNER. Right.

Mr. ARMSTRONG. Why don't we stop there.

[Whereupon, at 1:05 p.m., the committee recessed, to reconvene at 2:15 p.m.]

AFTERNOON SESSION

Mr. ARMSTRONG. This is a continuation of this morning's executive session.

Mr. DAVIS. Have we got an estimate as to when we will have a transcript of this morning's session?

Mr. LACKRITZ. He is going to type it up as soon as he can and return it to us. We will get it to you as soon as we get it.

Mr. DAVIS. I am sure you will.

Mr. ARMSTRONG. Reflecting a trip to New York on May 22, does that have any bearing or relationship to campaign activities?

Mr. DAVIS. No.

Mr. ARMSTRONG. I believe there is also another trip reflected to Santo Domingo on——

Mr. DAVIS. Yes; that is all part of the same trip.

Mr. FREEDMAN. How about a date?

Mr. DANNER. May 23.

Mr. ARMSTRONG. Reflecting a trip to Santo Domingo, did that have any bearing on the campaign or any item you might have discussed with Mr. Rebozo at a subsequent time?

Mr. DANNER. No.

Mr. ARMSTRONG. Sunday, May 26, reflecting a trip to Miami. That does not reflect a return from Miami, does it?

Mr. DANNER. Yes.

Mr. ARMSTRONG. It does the same day?

Mr. DANNER. I take it, this is to the Hotel American Express, cab to airport, Pan Am to Miami. Since they do not fly domestic that must have been coming back from Santo Domingo and then——

Mr. ARMSTRONG. OK, and that is the return flight?

Mr. DANNER. To D.C.

Mr. ARMSTRONG. Tuesday, June 4, reflects a trip to St. Louis and Dallas.

Mr. DANNER. Yes.

Mr. ARMSTRONG. Did that have any relationship to campaign activities?

Mr. DANNER. Yes, sir.

Mr. ARMSTRONG. Will you tell us?

Mr. DANNER. That is for the purpose of visiting potential contributors in the Texas area, Dallas and Fort Worth, in connection with the campaign.

Mr. SCHULTZ. What year.

Mr. DANNER. 1968. No funds were raised, no commitments were made.

Mr. ARMSTRONG. Did you see anyone in St. Louis regarding campaign contributions?

Mr. DANNER. No.

Mr. ARMSTRONG. And can you tell us what individual you solicited in Texas?

Mr. DANNER. Clint Murchison, Jr., in Dallas, and there were several people in Fort Worth—I do not recall their names offhand—old friends of mine. I just dropped by to see them to see what their ideas were on the campaign. I am trying to think of any other I recall. Offhand I can't recall their names.

Mr. ARMSTRONG. Do you recall if you saw Mr. John Murchison in addition to Clint?

Mr. DANNER. No.

Mr. ARMSTRONG. And did you request any particular size contribution from Mr. Murchison?

Mr. DANNER. No, I asked him if he was going to be interested in the campaign, who he was going to support. He indicated he hadn't made up his mind yet. But if he did he would work through a Texas committee.

Mr. ARMSTRONG. And did he indicate who he would contact in the Texas committee, whether he had a personal contact?

Mr. DANNER. No.

Mr. ARMSTRONG. Did he indicate if he had any contact with the President or Rose Mary Woods?

Mr. DANNER. No.

Mr. ARMSTRONG. And did he indicate at that or any subsequent time that he had made a contribution to the campaign through Rose Mary Woods?

Mr. DANNER. No.

Mr. ARMSTRONG. Did he ever indicate to you that he made a cash contribution to the campaign?

Mr. DANNER. No, I don't recall any conversations or specific contributions.

Mr. DAVIS. At this point is it the intention of the staff to repeat the testimony heretofore given or is this just preliminary to something which you are attempting to clarify?

Mr. LACKRITZ. Mr. Davis, it is not the intention of the staff to go over testimony previously given, however, and I may point out this particular testimony has not been given.

Mr. FREEDMAN. Yes, it has.

Mr. DAVIS. I understand there is bound to be a certain amount of overlapping.

Mr. ARMSTRONG. We are trying to clarify the documents.

Mr. LACKRITZ. To understand the diary, which we have not seen as yet, to make sure there is no misunderstanding on the record about the diary.

Mr. ARMSTRONG. Friday, June 7, reflects a trip to Harlingen, Tex., is that correct?

Mr. DANNER. Yes; that was a fishing trip with my children. It had nothing to do with the campaign.

Mr. ARMSTRONG. And then Tuesday, June 11. Well, first of all, I believe June 9 shows a return to Dallas and then the next mention of a trip is Tuesday, June 11, it says to Las Vegas. Destination crossed out and underneath it says return to Washington, D.C. Do you know if you did travel to Las Vegas at that time?

Mr. DANNER. As I recall, I came back to Washington. This, I think, probably was an inadvertence because I would not have gone to Las Vegas and then back to Washington all in the same day.

Mr. ARMSTRONG. Saturday, June 22 reflects L.D., Rebozo. Long distance call to Rebozo. Can you tell us what the substance of that call would have been?

Mr. DANNER. No; I would have no idea.

Mr. ARMSTRONG. But that was during the period when you were actively involved in the campaign fundraising?

Mr. DANNER. No; I was not active in fundraising then and I think had that had anything to do with the campaign I would have had some notation.

Mr. ARMSTRONG. Wednesday, June 26, reflects Smathers-Morgan-Las Vegas. Thursday, June 27, says lunch at Morgan's, A. D. Davis.

Mr. DANNER. No; this had nothing to do with the campaign.

Mr. ARMSTRONG. This was again in relationship to the Tropicana?

Mr. DANNER. Yes.

Mr. ARMSTRONG. Monday, July 8, reflects a meeting, says to New York City via Eastern shuttle, cab to Nixon headquarters meeting John Mitchell, Tom Evans, et al. Can you tell us what occurred on that day?

Mr. DANNER. This, as I recall, had to do with the discussion as to what role I would play in the campaign as it got underway. I think by this time Nixon had declared and had probably been through some primaries, but in any event, Tom Evans was one of the local managers here in Washington. There was a meeting called in New York and I was asked to come up and attend.

Mr. ARMSTRONG. Do you recall if Mr. Rebozo attended that meeting?

Mr. DANNER. No.

Mr. ARMSTRONG. Do you recall if you saw Ed or Donald Nixon at that time?

Mr. DANNER. No.

Mr. ARMSTRONG. Or Mr. John Meier?

Mr. DANNER. No.

Mr. ARMSTRONG. Monday, July 15, has the notation "lunch, Morgan, Las Vegas matter." Can we assume that is again Tropicana?

Mr. DANNER. Yes, sir.

Mr. ARMSTRONG. Tuesday, July 16, has "LD 2," and there is apparently a list blotted out and the last item on it indicates there was a long-distance call to Mr. Rebozo, then on Thursday, July 18, there is a reference to Miami via National Airlines meeting with Rebozo and Garcia, then Pan Am to Republic of Panama. Can you tell us, first of all, about the phone calls?

Mr. DANNER. I don't know what the calls were to Rebozo. The trip to Miami was for a meeting with Rebozo and a man named Garcia who lived in Tampa, who was quite active in Democratic politics, who

was being recruited to become active in the Nixon campaign, and the trip to Panama, of course, was law business.

Mr. ARMSTRONG. Did Mr. Garcia eventually play a role in the campaign?

Mr. DANNER. Yes.

Mr. ARMSTRONG. And can you tell us what that role was?

Mr. DANNER. He assisted in the formation of the Florida Democrats for Nixon in the Tampa area.

Mr. ARMSTRONG. And do you know if Mr. Garcia was involved in the fundraising campaign?

Mr. DANNER. I know he was not.

Mr. ARMSTRONG. Saturday, July 20, reflects a flight, Braniff Airways to Miami, then National Airlines to the District of Columbia. Is that just your return?

Mr. DANNER. That is return from Panama.

Mr. ARMSTRONG. Tuesday, July 23, has long distance to Rebozo-Miami-Morgan, Garcia, et al. Can you tell us the purpose of that meeting? They just reflect a phone call?

Mr. DANNER. Yes; I don't know what the nature of the call might have been. On that occasion, dinner—Smathers, Morgan, Thomas—that had to do with the Tropicana. To Las Vegas. Again, that is Tropicana business.

Mr. ARMSTRONG. Can you indicate—in the Rebozo call, there is a notation Morgan named along with Mr. Garcia—what you have been speaking with Mr. Rebozo about regarding Morgan?

Mr. DANNER. No.

Mr. ARMSTRONG. Is that Edward P. Morgan?

Mr. DANNER. Yes; I am sure it is. No; I don't recall why he would have been included in that unless these were separate calls made on that date.

Mr. ARMSTRONG. Well, the full notation is——

Mr. DANNER. LD to Rebozo-Miami-Morgan, Garcia, et al. It doesn't ring a bell with me what that was.

Mr. ARMSTRONG. Could that have been in relationship to campaign fundraising?

Mr. DANNER. No.

Mr. FREEDMAN. Only if you know.

Mr. DANNER. Why don't you hold this off as far as Morgan is concerned, and see what the next date comes up because this might have been—I think it is too early—but it might have been in connection with the ultimate contact with Hughes.

Mr. ARMSTRONG. You say it could have been?

Mr. DANNER. Yes, sir.

Mr. ARMSTRONG. And at whose request would a conversation of that type have occurred?

Mr. FREEDMAN. I don't understand that kind of question. It could have been a million people.

Mr. DANNER. I am not certain what the nature of that was, whether I happened on that day to have talked to Rebozo in Miami and Morgan here in Washington or Las Vegas, if he happened to be out there. I don't know. I am not certain just what the connections are.

Mr. Armstrong. There is a notation on Wednesday, July 24, dinner-Smathers-Morgan, Thomas, Kenwood CC, Tropicana. That was in relationship to the Tropicana purchase?

Mr. Danner. Yes, sir.

Mr. Armstrong. Can you tell us is Thomas E. Perry, Thomas?

Mr. Danner. Yes.

Mr. Armstrong. And was Senator Smathers representing a party for that acquisition at that time?

Mr. Danner. He was in some manner, I never knew just what the connection was, but he was a considerable stockholder in the Tropicana or the Continental Connector, I believe that controlled that stock.

Mr. Armstrong. Would that have been a matter that Mr. Rebozo would have been aware of about which you had discussions with Mr. Rebozo?

Mr. Danner. What was that?

Mr. Armstrong. Would the acquisition of the Tropicana have been a matter about which you would have had a conversation with Mr. Rebozo?

Mr. Danner. No; he wasn't concerned at all with that.

Mr. Armstrong. Was he aware of the attempt to acquire the Tropicana by Mr. Davis?

Mr. Danner. I don't recall that he was in on it at all.

Mr. Armstrong. July 29 shows long-distance call, Morgan-Las Vegas. I assume that would have been in connection with the Tropicana?

Mr. Danner. Yes, sir.

Mr. Armstrong. Tuesday, July 30, conferences, Chicago, then there is a series of names. Can you just read those names?

Mr. Danner. Kanterr, Stein, Smathers, Morgan, Feinberg, Jaffe, et al. That was a conference having to do with the real estate involving the Tropicana Hotel.

Mr. Armstrong. OK, and Mr. Jaffe in that case——

Mr. Danner. That is a fellow named Ben Jaffe. They own the real estate.

Mr. Armstrong. And what does the notation LD in office mean?

Mr. Danner. LD in office looks like I called my office.

Mr. Armstrong. Tuesday, August 3, says to Miami via TRW plane, and then there is a notation I can't make out, to airport, cab fare to Key Biscayne Hotel. Can you tell us what that refers to?

Mr. Danner. No, it doesn't mean anything.

Mr. Armstrong. Would that have reflected any meeting with Mr. Rebozo?

Mr. Danner. I don't see any notation as to Rebozo being involved.

Mr. Armstrong. The next entry that isn't blotted out is Tuesday, August 6.

Mr. Danner. Irving Davidson, Jack Anderson, Rebozo, Jim Golden, Si Laughter.

Mr. Armstrong. Can you tell us what that is?

Mr. Danner. That was breakfast at a hotel in the Nixon headquarters for the Republican National Committee.

Mr. Armstrong. In Florida?

Mr. Danner. Yes, sir.

Mr. ARMSTRONG. In Miami?

Mr. DANNER. Yes, sir.

Mr. ARMSTRONG. Was this a meeting?

Mr. DANNER. Just a visit.

Mr. ARMSTRONG. And is the Jack Anderson there the columnist?

Mr. DANNER. Yes, sir.

Mr. ARMSTRONG. Jim Golden was a Secret Service agent that protected Vice President Nixon?

Mr. DANNER. Yes, sir. I don't recall what capacity he was in then.

Mr. ARMSTRONG. Would he have been working for Resorts International at that time?

Mr. DANNER. I really don't know.

Mr. ARMSTRONG. And the notation, Si?

Mr. DANNER. Laughter. Si Laughter was going to become active in the Nixon campaign, form the committee of athletes, athletics, celebrities, in support of Nixon.

Mr. ARMSTRONG. Is it L-a-u-g-h-t-e-r?

Mr. DANNER. Yes.

Mr. ARMSTRONG. And that is not Si Alter?

Mr. DANNER. No, no.

Mr. ARMSTRONG. A-l-t-e-r. And do you know what Mr. Golden was doing at this meeting, how he happened to be there?

Mr. DANNER. No, I don't know. It seems to me that is the first time I met him.

Mr. ARMSTRONG. And who is Mr. Davidson?

Mr. DANNER. Ervin Davidson. He is a person here in town quite active in politics.

Mr. ARMSTRONG. Did he belong to the campaign?

Mr. DANNER. Not to my knowledge.

Mr. ARMSTRONG. Friday, August 9, this is Miami-Key Biscayne, called Bebe, will see us today or tomorrow.

Mr. DANNER. Yes, sir, call to Bebe, will see us today or tomorrow.

Mr. ARMSTRONG. And then there is a reference, Saturday, August 10, says Miami, drove to Flamingo in Everglades National Park to pick up car, called Bebe, no return, exclamation point. Can you tell us what occurred?

Mr. DANNER. I had my family with me and they were just on a little sightseeing trip and I called Bebe and apparently he did not return my call.

Mr. ARMSTRONG. Is that in fact an exclamation point after no return?

Mr. DANNER. It looks like it.

Mr. ARMSTRONG. You didn't get a return on your phone call, is that what it indicates?

Mr. DANNER. I would imagine.

Mr. FREEDMAN. Don't imagine.

Mr. DANNER. No, it is an exclamation, no return, blank.

Mr. ARMSTRONG. Do you recall what your business with Mr. Rebozo would have been at that time?

Mr. DANNER. I was just trying to get in touch with him.

Mr. ARMSTRONG. Sunday, August 11, shows a trip to Las Vegas. Would that have been again concerning the Tropicana?

Mr. DANNER. Yes, sir.

Mr. ARMSTRONG. The next entry is Tuesday, August 20, Ed Morgan, lunch, Zeibert's. Is that a reference?

Mr. DANNER. What is that date?

Mr. ARMSTRONG. August 20, Zeibert's.

Mr. DANNER. Yes. What was the question again?

Mr. ARMSTRONG. Can you tell us what the purpose of that meeting was?

Mr. DANNER. I don't know what. I don't recall any.

Mr. ARMSTRONG. Wednesday, August 21, it appears to me to say Ed Morgan-Nixon, and I can't read——

Mr. DANNER. August 21. The top one is——

Mr. ARMSTRONG. The first entry said Ed Morgan-Nixon and Tropicana; is that correct?

Mr. DANNER. Yes, sir.

Mr. ARMSTRONG. Then, there is an item blotted out and the next item is LD to Bebe Rebozo-Nixon-Fortas, funds.

Mr. DANNER. Hughes.

Mr. ARMSTRONG. And can you tell us what happened on that day and what those entries were?

Mr. DANNER. My recollection is that was the time when we were setting up the meeting between Rebozo and Morgan for a report on his contact with Maheu as to whether or not Hughes would make a contribution to the campaign.

Mr. ARMSTRONG. And that would indicate you had an earlier contact with Mr. Morgan to find out whether or not Mr. Hughes was interested, it had occurred at an earlier time than August 21?

Mr. DANNER. That was probably carrying out the assignment that I had to go through Morgan and see if Hughes would make a contribution.

Mr. ARMSTRONG. I guess my question is, does the notation to you on Wednesday, August 21, that first notation, Ed Morgan-Nixon and Tropicana, indicate at that time Mr. Morgan was reporting back to you on an earlier contact you had had with him to find out if Mr. Hughes was interested?

Mr. DANNER. I don't recall what the reference to Nixon would have been there. Again, the Tropicana was what we have been talking about, the acquisition of the hotel.

Mr. ARMSTRONG. I am sorry, I thought you said the reference to Nixon was that Mr. Morgan was reporting back on Mr. Hughes, Mr. Maheu's predisposition for making a contribution to Mr. Nixon on behalf of the company. Did I understand that?

Mr. DANNER. That could possibly be it. I couldn't say with any degree of certainty. That could have been when I first asked him about it.

Mr. ARMSTRONG. Can you tell us what the entry LD to Bebe Rebozo-Nixon-Foster, fund, Hughes, et cetera, indicates?

Mr. DANNER. It would indicate to me that I was reporting to Rebozo that contact was going to be made in connection with the approach to Maheu re Hughes contribution.

Mr. ARMSTRONG. Can you tell us what you would have been reporting on that subject?

Mr. FREEDMAN. Would have or——

Mr. DANNER. I don't recall what he did report if it was on that occasion, whether this was the time that he said he would make it or whether he said that he had made it, that is, made the contact with Maheu.

Mr. ARMSTRONG. Can you tell us why the word "Fortas" is mentioned in that context?

Mr. DANNER. I have no idea.

Mr. ARMSTRONG. Would this refer to the former Chief Justice?

Mr. FREEDMAN. He wasn't former Chief Justice.

Mr. ARMSTRONG. Former Justice.

Mr. DANNER. Well, I don't know. I only know one Fortas, but how it got in there I have no recollection whatsoever.

Mr. ARMSTRONG. And what fund indicates there, given the sequence——

Mr. DANNER. No.

Mr. ARMSTRONG [continuing]. Of nouns?

Mr. DANNER. No. That doesn't ring a bell.

Mr. ARMSTRONG. Does that indicate—was there an attempt to raise funds from other individuals other than Mr. Hughes?

Mr. DANNER. No, the only one I was working on was the Hughes contact.

Mr. ARMSTRONG. Monday, August 26, can you tell us what this entry is for?

Mr. DANNER. LD to Rebozo re Nixon campaign.

Mr. ARMSTRONG. Can you tell us what your conversation with Mr. Rebozo was?

Mr. DANNER. No, I wouldn't have any recollection. Obviously, it had to do with the campaign.

Mr. ARMSTRONG. And the entry on Tuesday, August 27, lunch, Ed Morgan, Tropicana and related matters.

Mr. DANNER. That was still the Tropicana and related matters. What that means, I don't recall.

Mr. ARMSTRONG. Would related matters have included the contribution from Mr. Hughes?

Mr. DANNER. I don't know.

Mr. ARMSTRONG. Thursday, August 29, LD from Dick Nixon on campaign matters. Can you tell us, that was a call from then candidate Nixon?

Mr. DANNER. Yes, but I don't recall the nature and purpose of the call. I don't recall any of the specifics.

Mr. ARMSTRONG. Do you recall any of the substance of the conversation, generally?

Mr. DANNER. No, but it says on campaign matters. Just what that included, I have no recollection.

Mr. ARMSTRONG. Well, at this point, can you tell us what role you had assumed in the campaign?

Mr. DANNER. Well, I had become active by this time. I was still based in Washington but I was doing quite a bit of traveling to Florida preparatory to organizing the Democrats for Nixon down there.

Mr. ARMSTRONG. Tuesday, September 3, shows LD, Ed Morgan, Las Vegas, Tropicana matter. I assume that is——

Mr. DANNER. The same.

Mr. ARMSTRONG. That doesn't spark any recollection of any other additional conversations?

Mr. DANNER. No, sir.

Mr. ARMSTRONG. Wednesday, September 4, LD to, and there is a name blotted out and it indicates LD to Bebe Rebozo. Do you recall what that conversation was?

Mr. DANNER. No, I have no recollection.

Mr. ARMSTRONG. Tuesday, September 10, at 9 a.m. It says Garcia and Bebe, Nixon campaign. Does that indicate a meeting with Mr. Garcia and Mr. Nixon?

Mr. DANNER. Yes, sir.

Mr. ARMSTRONG. And Mr. Rebozo?

Mr. DANNER. I think that had to do with Garcia's taking an active role in the Florida Democrats for Nixon.

Mr. ARMSTRONG. And that would have been in Washington?

Mr. DANNER. Yes.

Mr. ARMSTRONG. Do you recall where that meeting took place?

Mr. DANNER. No, I don't.

Mr. ARMSTRONG. OK, Wednesday, September 11, says breakfast, Rebozo and Morgan, Bebe to airport, car parking, $1.

Mr. DANNER. That was a breakfast that I had with Rebozo and Morgan, at which time Morgan made his report resulting from his conference with Robert Mahen as to whether or not Mr. Hughes would make a contribution.

Mr. ARMSTRONG. And that was the meeting about which you testified previously?

Mr. DANNER. Yes.

Mr. ARMSTRONG. Does this particular notation spark any additional recollections that you haven't shared with us previously?

Mr. DANNER. Well, as I recall my previous testimony, we discussed the fact that Mahen had reported back that Mr. Hughes would make a contribution. I don't recall now whether it was at that time that $50,000 was mentioned, but I am certain that that was the meeting where the word came back that he would make a contribution. And Bebe to the airport, I probably drove him out to the airport.

Mr. ARMSTRONG. And where was that, do you recall?

Mr. DANNER. That was at Duke Zeibert's, as I recall, but I have no notation, but this is where it was.

Mr. ARMSTRONG. For breakfast?

Mr. DANNER. Yes.

Mr. ARMSTRONG. Off the record.

[Discussion off the record.]

Mr. DANNER. Obviously we had breakfast. The location, I am not certain.

Mr. ARMSTRONG. Now, Sunday, September 15, 10 a.m., says LD from Rebozo and Nixon. That is a long distance call to you in Washington from Mr. Rebozo and then candidate Nixon, is that correct?

Mr. DANNER. That is what it appears to be; yes.

Mr. ARMSTRONG. Can you tell us what the subject of that conversation would have been?

Mr. DANNER. I don't recall the specifics of the conversation.

Mr. Armstrong. Do you recall speaking in the same phone call to both Mr. Rebozo and Mr. Nixon during that period?

Mr. Danner. On this occasion? I don't know whether I talked to both of them at the same time or they called separately.

Mr. Armstrong. Would the subject of that conversation have been the Wednesday, September 11, meeting between yourself, Mr. Rebozo and Mr. Morgan?

Mr. Danner. I don't recall.

Mr. Armstrong. Now, the next day, Monday, September 16, shows LD conference with Rebozo. The next line underneath says, closed circuit TV. Then, the line following has LD to Rebozo, report. Then 11 p.m., Rebozo called from Anaheim, and then two lines below that cab to office, $1. Can you tell us what happened on Monday, September 16?

Mr. Danner. Apparently I had a conference on the phone with Rebozo. I don't recall what closed circuit TV had reference to. Then another call to Rebozo, report, 11 p.m., Rebozo called from Anaheim, which I suppose is California, but I don't recall the subject matter of that discussion.

Mr. Armstrong. During this period, would you have been working in the office of the Nixon headquarters in Washington?

Mr. Danner. Yes.

Mr. Armstrong. Did they have a closed circuit TV facility there?

Mr. Danner. I don't remember whether they did or not. I vaguely recall that from time to time they would set up closed circuit TV's at which time the candidates would talk to principal campaign workers at the headquarters. Whether this was one of the occasions or not, I don't know.

Mr. Armstrong. And do you recall what the LD to Rebozo report was?

Mr. Danner. No, I don't.

Mr. Armstrong. Do you recall the subject of Mr. Rebozo's call from Anaheim?

Mr. Danner. No.

Mr. Armstrong. Wednesday, September 18, the entry reflects Rebozo, then I can't make out if there is any punctuation or not, whether it is a comma.

Mr. Danner. Dash.

Mr. Armstrong. Then, Nixon met plane; is that correct? At 6 a.m. Or 6 something a.m.

Mr. Danner. Met plane at 6 a.m.

Mr. Armstrong. To Willard Hotel for conferences?

Mr. Danner. Well, I don't know whether they met me or I met them. To Willard Hotel for conferences.

Mr. Armstrong. Do you recall the subject of your meeting with Mr. Rebozo and Mr. Nixon on that date?

Mr. Danner. No, I don't.

Mr. Armstrong. You testified previously, I believe, that you discussed with Mr. Rebozo in the President's presence and with the President, the Hughes contribution. Would this have been the period during which this conversation took place?

Mr. Danner. No, my recollection of that was much, much earlier than this date.

Mr. Armstrong. In other words, would that have been much earlier than this date, do you mean prior to Mr. Morgan's meeting with Mr. Rebozo?

Mr. Danner. Yes.

Mr. Freedman. Morgan speaking to——

Mr. Armstrong. Morgan meeting with Mr. Rebozo.

Mr. Danner. Yes, it would have been prior to that.

Mr. Armstrong. Which was placed here as September 11?

Mr. Freedman. What is September 11?

Mr. Armstrong. 1968.

Mr. Danner. That is when they had breakfast.

Mr. Freedman. Are you talking about the meeting between Rebozo and Mr. Danner and——

Mr. Armstrong. And Mr. Morgan. The same one we talked about about 5 minutes ago. Thank you. Wednesday, September 25, shows Nixon calls, et cetera, is that correct?

Mr. Danner. Yes.

Mr. Armstrong. And also Thursday, September 26, says Nixon calls. Can you tell us what occurred on September 25 and 26?

Mr. Danner. No, I have no recollection of what the nature and purpose of those calls were. Specifics, I don't recollect.

Mr. Armstrong. Does it help to take a look at Friday, September 27, which has an entry Nixon and then there is something appears to be crossed out, call regarding finance?

Mr. Danner. Is that crossed out?

Mr. Armstrong. Do we know what it is that is crossed out? Is it intelligible prior to its being crossed out? In other words, is it intelligible what was there prior to that?

Mr. Danner. Let me say the "Nixon" undoubtedly has reference to the fact that these calls re finance had to do with the Nixon campaign. It doesn't indicate to me that it was Nixon calling me or vice versa.

Mr. Armstrong. Now, well, with whom would you have been discussing finance?

Mr. Danner. I don't recall.

Mr. Armstrong. And your role in the finance in the campaign was raising campaign funds?

Mr. Danner. No.

Mr. Armstrong. I am trying to find out what the entry implies.

Mr. Danner. Well, I am sorry but I can't recall what it was.

Mr. Armstrong. Saturday, September 28, there is an entry of 9 a.m., Rebozo, Key Biscayne, Garcia. Then, underneath that appears to be, re Hurlong speech, et cetera. Can you tell us what——

Mr. Danner. Yes, that was a discussion had with Rebozo and Garcia relative to the possibility of former Congressman Sid Hurlong making a speech endorsing Nixon.

Mr. Armstrong. There was a meeting that Mr. Garcia attended with Mr. Rebozo?

Mr. Danner. It looks like it.

Mr. Armstrong. And Mr. Garcia was working as a Democrat for Nixon at that time in Florida?

Mr. Danner. Yes, sir.

Mr. ARMSTRONG. There is an entry, incidentally, Sunday, September 29, to Philadelphia. Would that have been in relationship to campaign activities?

Mr. DANNER. No.

Mr. ARMSTRONG. Were you still practicing law during this period?

Mr. DANNER. Not very actively.

Mr. ARMSTRONG. I assume, however, that the items on September 30, October 1 and 2 that are blotted out are not related to the campaign?

Mr. DANNER. No.

Mr. ARMSTRONG. Thursday, October 3, says Nixon, lunch, Rebozo, and Garcia. Excuse me. It says Nixon a.m. line and the next line says lunch, Rebozo, and Garcia. Can you tell us what occurred on that day?

Mr. DANNER. I had lunch with Rebozo and Garcia and what the discussion was, I have no recollection.

Mr. ARMSTRONG. Did you also have a meeting with the President on that day?

Mr. DANNER. No, I think that just refers again to the campaign.

Mr. ARMSTRONG. Thursday, October 10, shows a trip, I gather, to Miami via National Airlines, staying at the International Hotel. Do you recall?

Mr. DANNER. Miami via National Airlines, International Hotel. During this period I was spending virtually all of my time in Florida. Why I went down to Miami and stayed at the International Hotel, I don't recall.

Mr. ARMSTRONG. The entries on October 11 and October 12 that are blotted out do not relate to campaign activities again?

Mr. DANNER. October 11 and 12, no.

Mr. ARMSTRONG. Now, the same thing, of course, for Monday, October 14. Tuesday, October 15, shows 9 a.m., breakfast and lunch. And then the next line says Hurlong and Bebe and $13.

Mr. DANNER. Yes.

Mr. ARMSTRONG. Can you tell us what occurred on that date?

Mr. DANNER. I don't recall specifically, but as I told you before, Hurlong had by this time endorsed Nixon's campaign.

Mr. ARMSTRONG. And Mr. Rebozo was sitting in as a campaign adviser?

Mr. DANNER. Yes, sir.

Mr. ARMSTRONG. I note on October 17, returned to Washington.

Mr. DANNER. Yes.

Mr. ARMSTRONG. October 19, you again returned to Fort Lauderdale. Was that also on campaign business?

Mr. DANNER. Yes, the Sheraton Hotel was sort of our headquarters.

Mr. ARMSTRONG. And on Wednesday, October 23, again all of these items that are blacked out did not relate to campaign business during that period?

Mr. DANNER. Yes.

Mr. ARMSTRONG. Wednesday, October 23, says to Miami.

Mr. DANNER. Miami Springs Villa for cocktail party, finance. A group down there had a cocktail party to raise money for Nixon and invited us down there to mix with the people.

Mr. ARMSTRONG. Do you know if the President was present on that occasion?

Mr. DANNER. He was not.

Mr. ARMSTRONG. You had dinner with Mr. Rebozo that evening?

Mr. DANNER. Yes, sir.

Mr. FREEDMAN. Who had dinner?

Mr. ARMSTRONG. I said you had dinner. At that time, did you discuss with Mr. Rebozo any campaign contributions, do you recall?

Mr. DANNER. No. The group that put this party on had pledge cards and they were raising the money and we just showed up to lend color, I suppose. I wasn't doing any hustling.

Mr. ARMSTRONG. Do you recall any other subject of conversation at dinner with Mr. Rebozo that evening?

Mr. DANNER. No.

Mr. ARMSTRONG. Other than the cocktail party?

Mr. DANNER. No.

Mr. ARMSTRONG. Friday, October 25, the notation Fort Lauderdale—then I can't read.

Mr. DANNER. Meals and tips.

Mr. ARMSTRONG. Again, these items blotted out on October 28 and 29 and 30 are not related to the campaign?

Mr. DANNER. No.

Mr. ARMSTRONG. Thursday, October 30, reflects a trip to Tampa.

Mr. DANNER. October 31.

Mr. ARMSTRONG. Excuse me.

Mr. DANNER. Yes.

Mr. ARMSTRONG. Was that related to the campaign?

Mr. DANNER. Not that I can recall.

Mr. ARMSTRONG. Friday, November 1. Is that drive to——

Mr. DANNER. Gainesville, Fla.

Mr. ARMSTRONG. Was that related to the campaign? Is this the Howard Johnson location there? That was not a meeting with Howard Johnson?

Mr. DANNER. No, my best recollection is that was an annual affair called the Blue Key Banquet of the University of Florida that all politicians attend and I think I went up to the Blue Key Banquet.

Mr. ARMSTRONG. And November 2 reflects a trip. I gather that is Eastern Airlines to Jacksonville and then NEA?

Mr. DANNER. Northeast Airlines to Fort Lauderdale via Tampa.

Mr. ARMSTRONG. Again campaign?

Mr. DANNER. Campaign activities.

Mr. ARMSTRONG. Monday, November 4, Nixon, drive to Miami. Do you recall what that——

Mr. DANNER. That means Nixon's campaign went down to Miami and caught National to Washington.

Mr. ARMSTRONG. The President wasn't present at that time?

Mr. DANNER. No.

Mr. ARMSTRONG. Tuesday, November 5, American Airlines to New York City, Waldorf Hotel.

Mr. DANNER. I went up to get the election returns at the Waldorf Hotel.

Mr. ARMSTRONG. Was the President there on that occasion?

Mr. DANNER. Yes.

Mr. ARMSTRONG. And did you meet with the President on that day?

Mr. DANNER. I saw him along with several hundred other people.

Mr. ARMSTRONG. And did you have any meetings with him on that day, any discussion with him?

Mr. DANNER. No; everybody was there to get the election results. There were parties going on all over the hotel and we visited with him from time to time as the results were coming in.

Mr. ARMSTRONG. Did you have any discussions with him regarding campaign finance?

Mr. DANNER. No; it was all over then.

Mr. ARMSTRONG. Did you have any subsequent discussions with him on that day, other than the election returns?

Mr. DANNER. I don't recall any.

Mr. ARMSTRONG. Friday, November 8, there is an item, I believe it says to airport, airline.

Mr. DANNER. Eastern Airlines to Raleigh.

Mr. ARMSTRONG. There is something before Eastern Airlines. Was that on campaign business?

Mr. DANNER. No; that was a golf trip to Pinehurst.

Mr. ARMSTRONG. Was the President or Mr. Rebozo present on November 9 or 10?

Mr. DANNER. No.

Mr. ARMSTRONG. And Monday, November 11, to Miami via Eastern Airlines, rental car, stay at Rebozo's, and there is an entry below, dinner. Do you recall what occurred on November 11?

Mr. DANNER. No; nothing specific, just a visit.

Mr. ARMSTRONG. Then, November 12, you went to Fort Lauderdale?

Mr. DANNER. Yes, sir.

Mr. ARMSTRONG. Was that in relation to campaign business?

Mr. DANNER. That was, as I recall, closing up the headquarters.

Mr. ARMSTRONG. And you were there also on Wednesday, November 13 and returned to Miami on November 14?

Mr. DANNER. Yes, sir; I returned to Miami and Washington.

Mr. ARMSTRONG. I am sorry. Then, Wednesday, November 20, reflects a long distance call from Mr. Rebozo. I believe it says LD from CGR, Miami. Is that a call from Mr. Rebozo?

Mr. DANNER. It looks like it.

Mr. ARMSTRONG. Do you recall the subject of that call?

Mr. DANNER. No; I don't.

Mr. ARMSTRONG. On Thursday, November 21, says LD from CGR. I assume that is again Mr. Rebozo, Miami regarding house project. Can you tell us what that is?

Mr. DANNER. No; I have no recollection. I have studied that thing for a long time and I have no recollection whatsoever of what "house project" had to do with that conversation.

Mr. ARMSTRONG. Were you aware that Mr. Rebozo was purchasing a house on Bay Lane for President Nixon at that time?

Mr. DANNER. I am not certain whether it was at this time. I knew that there was negotiations afoot for Nixon to purchase Smathers' house which was adjacent to Rebozo's.

Mr. ARMSTRONG. Can you tell us, were you aware of any of the details of that transaction?

Mr. DANNER. No.

Mr. ARMSTRONG. Were you aware of what financing was to be sought or was available?

Mr. DANNER. No, I knew none of the details. I just knew that Smathers had agreed to sell his house to Nixon.

Mr. ARMSTRONG. And do you recall when you learned that?

Mr. DANNER. No.

Mr. ARMSTRONG. Or from whom?

Mr. DANNER. I am sure I learned it from Smathers.

Mr. ARMSTRONG. And then there is an item blotted out, which I assume is not related to the campaign or Mr. Rebozo or the President. And then LD to CGR-Key Biscayne. Do you recall——

Mr. DANNER. No.

Mr. LENZNER. Were you advised after the election in 1969 by Mr. Rebozo or Senator Smathers that Senator Smathers' house was to be purchased by or on behalf of President-elect Nixon?

Mr. DANNER. I think the extent of my information was Smathers had told me he was going to sell his house to Nixon.

Mr. LENZNER. Did he tell you that before or after the election, if you can recall?

Mr. DANNER. My recollection is after the election.

Mr. LENZNER. And did he advise you with whom he was negotiating?

Mr. DANNER. No, he never told me any of the details, just he was going to give up his house, sell it and find something else.

Mr. LENZNER. Did he ask you to play any role with regard to that?

Mr. DANNER. No.

Mr. LENZNER. Did you discuss that with Mr. Rebozo at any time?

Mr. DANNER. No, my only recollection is Smathers talking to me about his house, that he was going to sell it. I wasn't concerned, wasn't interested, had no role in the matter.

Mr. LENZNER. Do you have any recollection as to the "house project" reflected in your diary was related in any way to that discussion you just had with Mr. Smathers?

Mr. DANNER. No, I don't think that it did because, as I say, I had no role in the matter at all. I wasn't handling any of the negotiations, nothing between—no discussions with them whatever. I just knew it was going to happen, that it was being discussed.

Mr. LACKRITZ. Then, you have no recollection at all of what the house project would have been?

Mr. FREEDMAN. He said that.

Mr. LACKRITZ. I am asking again.

Mr. DANNER. I knew Smathers' house. I had stayed there.

Mr. FREEDMAN. The question is "house project".

Mr. DANNER. House project means nothing to me. I can't recall what that refers to.

Mr. ARMSTRONG. Friday, November 22, LD from CGR appears to be general.

Mr. DANNER. General?

Mr. ARMSTRONG. That is a phone call again from Mr. Rebozo?

Mr. DANNER. Yes.

Mr. ARMSTRONG. And can you tell us what the substance of that phone call was?

Mr. DANNER. No, I have no recollection.

Mr. ARMSTRONG. Sunday, November 24, 10 a.m., reflects CGR—I assume that is maritime or martini. Maritime.

Mr. DANNER. Maritime problems, it looks like.

Mr. ARMSTRONG. Can you tell us what that was about?

Mr. DANNER. No, I don't recall what the nature of that discussion was.

Mr. ARMSTRONG. Do you recall discussing with Mr. Rebozo any maritime problems at that or at any other time?

Mr. DANNER. I don't hardly know what the word "maritime" refers to. If it was a specific matter, I think I would have mentioned it, so it leaves me in the dark.

Mr. ARMSTRONG. Were you representing any clients during that period that had maritime problems?

Mr. DANNER. If I remember, I represented a company that was putting a boat or had a cruise ship in operation, sailing out of Miami to the islands. Whether it had something to do with that I don't know.

Mr. ARMSTRONG. Earlier you mentioned the trip to Miami. You said a ship had been launched. Is this the same client?

Mr. DANNER. I am not certain.

Mr. ARMSTRONG. What client is it that had the cruise ship in Miami?

Mr. DANNER. U.S. Freight Forwarders. I don't know what name they were operating the ship under though.

Mr. ARMSTRONG. And do you know who are the principals of that corporation?

Mr. DANNER. Well, it is a big public corporation.

Mr. ARMSTRONG. Do you know who was president?

Mr. DANNER. There was a man, Horace Forgash who died, I think prior to this period, and I don't recall the name of his successor.

Mr. ARMSTRONG. Can you spell that?

Mr. DANNER. F-o-r-g-a-s-h.

Mr. ARMSTRONG. Then, November 25, at noon, or 12 a.m., reflects a call LD to CGR-general. That is again a long-distance call to Mr. Rebozo?

Mr. DANNER. Yes.

Mr. ARMSTRONG. Do you recall what the subject of the conversation would have been on that date?

Mr. DANNER. No.

Mr. ARMSTRONG. Then, on Tuesday, November 26—LD to CGR regarding status applications, application for Key Biscayne. Do you recall what that entry reflects?

Mr. DANNER. No. I do not. I haven't the slightest recollection of what that refers to.

Mr. ARMSTRONG. Well, did you or any of your clients have any applications pending in Key Biscayne or Florida?

Mr. DANNER. No.

Mr. ARMSTRONG. Did Mr. Smathers?

Mr. DANNER. Not that I know of. He would have handled his own.

Mr. ARMSTRONG. Were you aware of any applications Mr. Rebozo or the President would have had pending in Key Biscayne?

Mr. DANNER. No.

Mr. ARMSTRONG. The word there, it's status, s-t-a-t-u-s?

Mr. DANNER. Yes.

Mr. ARMSTRONG. Application?

Mr. DANNER. Yes.

Mr. ARMSTRONG. For Key Biscayne. That is all one phrase?

Mr. DANNER. Yes.

Mr. ARMSTRONG. That is in your own hand?

Mr. DANNER. Yes, sir.

Mr. ARMSTRONG. Now, on Friday, November 29, it says LD to CGR—re project. Do you recall whether there was a conversation with Mr. Rebozo again?

Mr. DANNER. Yes.

Mr. ARMSTRONG. And do you recall what project is being referred to?

Mr. DANNER. What project that could have referred to, I don't know.

Mr. ARMSTRONG. Were there any projects that you or Mr. Rebozo had pending during that time that you would have been discussing?

Mr. DANNER. No; I was active, quite active in Florida, not in connection with any specific projects, but I was representing an association of Florida real estate developers. I represented them in Washington in connection with some legislation that was coming up. Whether it refers to that, I don't know.

Mr. ARMSTRONG. Would that have been a matter you would have discussed with Mr. Rebozo, that legislation?

Mr. DANNER. I don't recall ever having discussed it with him because hearings were going on in the Senate.

Mr. ARMSTRONG. Just for clarification of the record, what was the legislation pending at that time?

Mr. DANNER. This was when the land sales companies were selling real estate in interstate commerce and were getting out of line. Federal legislation had been proposed and it was supposed to go under SEC and the pressure was to change the legislation in such a manner if a State had a model land law that they would be exempt from filing provided they could satisfy, which later became FILA, that their filings were complete. Their brochures, their statements were honest, and so on.

Mr. ARMSTRONG. That filing require any application?

Mr. FREEDMAN. Wait a minute. Are you talking about the pending legislation or the legislation that was finally enacted?

Mr. ARMSTRONG. I am talking about Mr. Danner just made reference to the fact that, as I understand it, certain States would be exempt from legislation provided that this association——

Mr. FREEDMAN. That is what he said he had a part in attempting to get the Congress to pass.

Mr. ARMSTRONG. And he made reference in the course of his narrative to the word "filing" and I asked if the filing that he was referring to would have been a filing required in the application?

Mr. FREEDMAN. The word "filing" does not mean application.

Mr. ARMSTRONG. That is why I asked the question.

Mr. FREEDMAN. It is clear it doesn't mean application.

Mr. ARMSTRONG. That is why I asked the question.

Mr. FREEDMAN. I gave the answer.

Mr. DANNER. The land company would have to make a filing under the State law. If that met all of the requirements of the State law and the State law met all of the requirements of the Federal law, then

they did not have to come up here and go through any appearances or redtape.

Mr. ARMSTRONG. Was Mr. Rebozo involved in any land company that might have so filed?

Mr. DANNER. He was active in real estate but he, to my knowledge, did not do any subdividing and selling off of lots.

Mr. ARMSTRONG. Was this a matter that you referred to as a project during that period and was it something to you that meant project?

Mr. DANNER. It could have been, I am not certain.

Mr. LENZNER. Before we go on, let me ask, Mr. Danner, with regard to the series of notes that we have been interviewing you on, LD to CGR, would those reflect a completed call or is that a reminder for you to make a call?

Mr. DANNER. I don't know.

Mr. LENZNER. OK. Did you make it a practice or procedure to keep notes of completed calls and the subject matter of the calls in this diary during the period 1968?

Mr. DANNER. If it had to do with my law practice, yes, because I would use this in connection with billings.

Mr. LENZNER. This would help you reconstruct your items?

Mr. DANNER. That is right.

Mr. LENZNER. Your billable hours.

Mr. DANNER. That is right.

Mr. LENZNER. And do you have a recollection of making notes in your diary contemporaneously with phone conversations relating to work in your law office?

Mr. DANNER. I would make notations as to whom I had talked to and unless it was a well-known client, sometimes, the subject matter. If a new client would call in I would make a notation as to what his problem was, but for the most part I would just make some notes such as this. What it pertained to, I can't recall.

Mr. LENZNER. Was Mr. Rebozo a client of yours in 1968?

Mr. DANNER. No, sir.

Mr. LENZNER. Did he pay you any fee or compensation in 1968?

Mr. DANNER. No, sir.

Mr. LENZNER. Did you do any work that relates to any of these matters?

Mr. DANNER. Not where it concerned Rebozo.

Mr. LENZNER. Do you have any recollection of dictating any memorandums based on these notes that you made contemporaneously in 1968?

Mr. DANNER. I recall writing letters corresponding with the attorney for the Florida association giving him periodic reports, if this pertains to that subject, reporting progress being made up here, what was going on, normal intercourse between two attorneys.

Mr. LENZNER. Does the word "project" here represent a code word of some kind to you?

Mr. DANNER. No; it could mean a variety of things. "Project," I would consider my work in connection with representing the land people as a project.

Mr. LENZNER. If that is what the project refers to?

Mr. DANNER. Yes.

Mr. LENZNER. I take it your recollection is not firm on that?

Mr. DANNER. No.

Mr. LENZNER. Does this word "project" refer back to house project in your handwriting on November 21, 1968? Is it the same project?

Mr. DANNER. I don't know.

Mr. LENZNER. December 2, 1968, a notation after the morning, which is blotted out, there is a notation Ed Morgan—and I can't read——

Mr. DANNER. Central 9 meeting.

Mr. LENZNER. What does that mean?

Mr. DANNER. That would have been a meeting with the board of directors of Central 9, which was a corporation formed to make application for an FCC license.

Mr. LENZNER. And did Mr. Rebozo or the President have any relation to that?

Mr. DANNER. None whatsoever.

Mr. LENZNER. Was Mr. Rebozo aware of that application?

Mr. DANNER. I don't believe so.

Mr. LENZNER. Tuesday, December 3, LD to CGR—Miami—Hurlong, et cetera. Do you recall what that phone call, what that reference refers to?

Mr. DANNER. No. Apparently a discussion that had to do with Hurlong. What the nature and purpose of it was, I don't recall.

Mr. LENZNER. Did you have any common business with Mr. Rebozo or with Mr. Hurlong?

Mr. DANNER. Other than what I have mentioned? Hurlong did actively support Mr. Nixon in Florida, Democrats for Nixon, very effectively.

Mr. LENZNER. Did that involve anything after the campaign, after the election?

Mr. DANNER. No.

Mr. LENZNER. Was Mr. Hurlong appointed to any office?

Mr. DANNER. Not during this period. That came up some time later.

Mr. LENZNER. So this couldn't refer to any potential appointment that Mr. Hurlong might be considered for?

Mr. DANNER. No.

Mr. LENZNER. There is a reference on Wednesday, December 4 to—I gather that is a trip to Miami—NAL to Miami. Is that what that says?

Mr. DANNER. It looks like it.

Mr. LENZNER. Then, there is an item blotted out and it says, "Ed Morgan, Frontier Hotel, Las Vegas, management deal—and then to Everglades City." Can you tell us what happened on that day?

Mr. DANNER. This, I judge, Morgan called me in Miami to broach the subject to me of coming with the Hughes organization taking over the Frontier Hotel in Las Vegas.

Mr. LENZNER. Would that have been the first mention Mr. Morgan had made about coming to work for the Hughes organization?

Mr. DANNER. No, I think it came up early in the fall and at that time I said I didn't care to even discuss it, I was too busy and didn't know what the future was going to be, and after the campaign was over I would talk to them about it.

Mr. LENZNER. Was this your first opportunity after the campaign to talk to them about it?

Mr. DANNER. Yes, sir.

Mr. LENZNER. At any length?

Mr. DANNER. Yes, sir.

Mr. LENZNER. And that you believe, reflects a phone call that Mr. Morgan would have made to you or a phone coversation you would have had?

Mr. DANNER. Yes, I was in Miami. I am certain it was a phone call.

Mr. LENZNER. Then it is Everglades City on the night, I assume that is sometime on Wednesday, December 4. Did that involve any business with Mr. Rebozo or the President?

Mr. DANNER. No.

Mr. LENZNER. And then return to Miami, Thursday, December 5. Then later in the day it says, NAL to Las Vegas Desert Inn.

Mr. DANNER. Yes, sir.

Mr. LENZNER. That reflects a trip to Las Vegas?

Mr. DANNER. Yes, sir.

Mr. LENZNER. What was the purpose of the trip?

Mr. DANNER. To go out for an interview with the Hughes people.

Mr. LENZNER. At this time had there been discussions since the election with Mr. Morgan regarding the Hughes contribution, any contribution from Mr. Hughes to the campaign or to the President or through Mr. Rebozo?

Mr. DANNER. No.

Mr. LENZNER. Then, Sunday, December 8, reflects TWA to Chicago and TWA, I gather, from Chicago to Washington. That is just the return trip?

Mr. DANNER. That is right.

Mr. LENZNER. Tuesday, December 10, to Spanish Cay. Does that reflect a trip to——

Mr. DANNER. No, that is an island out in the Bahamas that I visited. I was invited by some friends.

Mr. LENZNER. Would Mr. Rebozo, Mr. Abplanalp, and the President have been present on any of those occasions?

Mr. DANNER. No.

Mr. LENZNER. Friday, December 13, to Freeport, and it says Wallace Groves, and then underneath that it says back to Spanish Cay. Can you tell us what happened on that trip?

Mr. DANNER. That was an individual who wanted to talk to me about possible representation representing him.

Mr. LENZNER. Mr. Groves?

Mr. DANNER. Yes, sir, G-r-o-v-e-s.

Mr. LENZNER. At that time can you tell us what Mr. Groves' business was or what capacity?

Mr. DANNER. He was a very prominent——

Mr. FREEDMAN. What does that have to do with this?

Mr. LENZNER. Trying to identify Mr. Groves.

Mr. FREEDMAN. He told you he was a prospective client.

Mr. LENZNER. I am trying to identify who Mr. Groves was.

Mr. FREEDMAN. I don't see that is relevant to anything. You are talking about his attorney-client relationship that has nothing to do——

Mr. LENZNER. I am asking him to identify Mr. Groves.

Mr. FREEDMAN. He did.

Mr. LENZNER. He has not identified Mr. Groves.

Mr. FREEDMAN. Go ahead.

Mr. DANNER. A very prominent member of that community, a substantial real estate owner with a number of investments, but nothing resulted from the contact. It was just I flew up and had lunch with him and came on back.

Mr. LENZNER. Did you have any discussions with Mr. Groves which related to Resort International?

Mr. DANNER. No.

Mr. LENZNER. And any of the matters you discussed with Mr. Groves, did you later discuss those with Mr. Rebozo or the President?

Mr. DANNER. No.

Mr. LENZNER. Did you discuss campaign contributions with Mr. Groves?

Mr. DANNER. No, sir.

Mr. LENZNER. To your knowledge, did Mr. Groves make any campaign contributions?

Mr. DANNER. Not to my knowledge.

Mr. LENZNER. On Friday, December 20, there is a reference—does that say office? Is that all it says? I can't make that one out.

Mr. DANNER. Apparently I just made a note to myself that I was in the office on that date.

Mr. LENZNER. I gather that is what Friday, December 27, also indicates?

Mr. DANNER. Yes.

Mr. LENZNER. Then on Monday, December 30, there is a reference 11 a.m., call to C. G. Rebozo regarding general politics. Is that what that says?

Mr. DANNER. Yes.

Mr. LENZNER. Can you tell us what the subject of this conversation would have been?

Mr. DANNER. No; I wouldn't recall what we discussed.

Mr. LENZNER. That was during the transition period?

Mr. DANNER. Yes.

Mr. LENZNER. Did you play any role during the transition period?

Mr. FREEDMAN. What transition period?

Mr. LENZNER. Between the 1968 election and the time when the President-elect became President Nixon, after the inauguration.

Mr. DANNER. No, sir.

Mr. ARMSTRONG. Would you like to take a 10-minute break?

[Recess.]

Mr. ARMSTRONG. Beginning in February 1973, February 11. First of all, the 1973 diary, you kept these yourself?

Mr. DANNER. Yes, sir.

Mr. ARMSTRONG. Where were these kept?

Mr. DANNER. On my desk.

Mr. ARMSTRONG. At the Sands?

Mr. DANNER. Yes.

Mr. ARMSTRONG. And in general what types of meetings or events did you record in these?

Mr. DANNER. Just what you will find in it.

Mr. ARMSTRONG. I understand that. It was kept as an appointment calendar?

Mr. DANNER. No.

Mr. ARMSTRONG. It was kept as a diary of what had occurred during those periods?

Mr. DANNER. Just events or dates that I considered possibly of significance.

Mr. ARMSTRONG. Significant in terms of having to testify at a later time?

Mr. DANNER. No; just to keep a reminder of where I had been.

Mr. LACKRITZ. I take it then, your testimony is that the 1973 diary is not as detailed as your 1968 diary?

Mr. DANNER. No way.

Mr. LACKRITZ. Because you didn't have to keep these for the purpose of billing in your legal practice?

Mr. DANNER. No.

Mr. LACKRITZ. Let me also clarify for the record, you have testified previously that you cannot find any diaries for 1969–70, 1971, and 1972, is that correct?

Mr. DANNER. That is correct; yes.

Mr. LACKRITZ. Now, is it still true that you have not been able to locate diaries for those years?

Mr. DANNER. No. It is still true; yes.

Mr. LACKRITZ. Thank you.

Mr. ARMSTRONG. Beginning February 1973, Sunday, the 11th, there is an entry to Orlando, Fla., Hurlong.

Mr. DANNER. Hurlong Hassle. This is a golf tournament that is held over the Lincoln recess wherein a bunch of Washington people travel to Florida in a party and have a big golf tournament, Leesburg, Fla., where it has been going on for 20 years.

Mr. ARMSTRONG. During the subsequent week, I notice the week of the 12th, did you stay in Orlando during that week? It reflects you returned to Las Vegas.

Mr. DANNER. No; I stayed in Leesburg.

Mr. ARMSTRONG. Florida. Did you see Mr. Rebozo while you were in Florida at that time?

Mr. DANNER. No.

Mr. ARMSTRONG. Did you converse with him?

Mr. DANNER. No; he wasn't invited.

Mr. ARMSTRONG. And you returned to Las Vegas on Sunday, February 18?

Mr. DANNER. That is right.

Mr. ARMSTRONG. Now, no entries on the week of April 16, 1973. I believe that is the week when you met with—Mr. Rebozo visited Las Vegas, is that correct?

Mr. DANNER. What was that date, April 23?

Mr. DAVIS. Did the witness answer or do you want to change your question?

Mr. ARMSTRONG. The witness asked a question.

Mr. FREEDMAN. You asked him the question and he wasn't sure.

Mr. LACKRITZ. The question pending is did Mr. Rebozo visit Las Vegas during the week of April 16, 1973?

Mr. FREEDMAN. I think when he testified before, back in December, he mentioned something about that. If you give us the page reference then I think in all fairness to the witness it might be helpful to him.

Mr. DANNER. I am only interested in the date.

Mr. FREEDMAN. My notation indicates that in the third volume, on page 16, you say in April 1973 Rebozo stayed at the Sands. I will show it to you.

Mr. ARMSTRONG. Let me put it this way. Your diary shows from April 1 through the end of April 1973, no entries. Is that correct?

Mr. DANNER. If I can find that.

Mr. DAVIS. I think the record ought to reflect there is no masking of any entries during that period either. We have established the diary does not necessarily reflect everything that is going on in the world.

Mr. ARMSTRONG. So you didn't consider Mr. Rebozo's visit an event worthy of note in the diary?

Mr. DANNER. No.

Mr. ARMSTRONG. May 18, 1973, Friday, it shows an entry C. Gregory—breakfast. Then it appears to be Bob Abplanalp. Then there is a marking after Abplanalp, a dash and marking.

Mr. DANNER. To Catskills, return at 5 p.m.

Mr. ARMSTRONG. OK, and that refers to when you came to Washington to meet with Mr. Rebozo?

Mr. DANNER. That is right.

Mr. ARMSTRONG. On the 18th. And traveled with Mr. Abplanalp to the Catskills in Mr. Abplanalp's private plane?

Mr. DANNER. That is right.

Mr. ARMSTRONG. There is a reference on Saturday, May 19. Can you tell us what that indicates—two markings there?

Mr. DANNER. Burning Tree. BT.

Mr. ARMSTRONG. That reflects a golf date?

Mr. DANNER. Yes.

Mr. ARMSTRONG. And with whom did you play golf?

Mr. DANNER. I have no recollection.

Mr. ARMSTRONG. Was Mr. Rebozo a member of that golf party?

Mr. DANNER. No, sir.

Mr. ARMSTRONG. Was Senator Smathers?

Mr. DANNER. I don't recall.

Mr. ARMSTRONG. And on May 20, 1973, CD for conference. Was that Camp David?

Mr. DANNER. Yes.

Mr. ARMSTRONG. Was that the day you met with the President and Mr. Rebozo at Camp David?

Mr. DANNER. Yes, sir.

Mr. ARMSTRONG. On May 21, 1973, you returned to Las Vegas on United Airlines?

Mr. DANNER. Yes, sir.

Mr. ARMSTRONG. Then on June 5, 1973, Tuesday, it says to LA, conference with Bill Gay.

Mr. DANNER. That is right.

Mr. ARMSTRONG. Can you tell us what the subject of that conference was?

Mr. DANNER. Hotel business.

Mr. ARMSTRONG. Was there any discussion of the Hughes contribution to Mr. Rebozo?

Mr. DANNER. No, sir.

Mr. ARMSTRONG. Was there any discussion of politics or campaign activity at all?

Mr. DANNER. No, sir.

Mr. ARMSTRONG. Was there any discussion of Mr. McCord's testimony before the Watergate Committee in May 1973?

Mr. DANNER. No, sir.

Mr. ARMSTRONG. Then on June 10, it says to Dayton, Ohio, and there is a reference.

Mr. DANNER. Bogey Busters.

Mr. ARMSTRONG. Is that also a golf——

Mr. DANNER. That is a golf tournament, annual golf tournament.

Mr. ARMSTRONG. And the same reference, Bogey Busters, appears in date in Ohio on June 11 and 12.

Mr. DANNER. Yes, sir.

Mr. ARMSTRONG. Are those during that period of time when Mr. Rebozo reached you while you were at a golf tournament?

Mr. DANNER. I recall that he called me. You reminded me he had made a call. How you learned of it, I don't know, because I had not made any notation of it. He called me up there relative to getting together with me.

Mr. ARMSTRONG. And then on Wednesday, June 13, 1973, it says calls from CG—Kenneth Gemmill.

Mr. DANNER. Yes, sir.

Mr. ARMSTRONG. Then, can you tell us what is underneath that?

Mr. DANNER. CG would refer to Rebozo, Charles Gregory, Kenneth Gemmill, 3 Penn Central. They gave me the location, address, phone numbers. Re trips to Key Biscayne and San Clemente, which I recall had reference to the contributions that had been made.

Mr. ARMSTRONG. Was that trying to establish the dates of the contributions?

Mr. DANNER. No, that was just the subject matter.

Mr. ARMSTRONG. They wanted to talk about contributions?

Mr. DANNER. Yes, sir.

Mr. ARMSTRONG. Then in the next line it refers to Chester Davis?

Mr. DANNER. That is correct.

Mr. ARMSTRONG. I gather the two phone numbers are Mr. Gemmill's office and home phone numbers. It says 215–LO 8–1600—office, and 215 DI 3–1570, residence?

Mr. DANNER. Yes, sir.

Mr. ARMSTRONG. Do the notations on June 10, 11, 13, recall any additional facts to mind you have not shared with us previously?

Mr. DANNER. No, my testimony on this originally is the same as these were.

Mr. FREEDMAN. You already testified, you don't have to repeat it.

Mr. ARMSTRONG. On July 3, 1973, Tuesday, it says, there is a reference Don Skelton, S-k-e-l-t-o-n, special agent, IRS, interview, deposition previously given re campaign contributions. What does that reflect?

Mr. DANNER. That was when the IRS people brought back a deposition which I had given some 13 months previously to correct it.

Mr. ARMSTRONG. Does that spark any recollections of testimony not previously given?

Mr. DANNER. No, sir.

Mr. ARMSTRONG. Then, on July 8, 1973, Sunday, to Monterey, Quail Lodge.

Mr. DANNER. That was just a trip made with my family.

Mr. ARMSTRONG. And Monday, July 9, 1973.

Mr. DANNER. Pebble Beach.

Mr. ARMSTRONG. That is golfing?

Mr. DANNER. Yes, sir. Cyprus Point—those are all golf courses up on the Monterey Peninsula.

Mr. ARMSTRONG. July 11 says to SF via United Airlines, reception, Sheraton Palace.

Mr. DANNER. Yes, sir, that was a Sands customer who bought the Sheraton Palace and was having a cocktail party for the opening. He asked us to come up.

Mr. ARMSTRONG. Was Mr. Rebozo present on that occasion?

Mr. DANNER. No, sir.

Mr. ARMSTRONG. And then, July 16, 1973, a Monday. Can you tell us what that reference says?

Mr. DANNER. That is a call from someone.

Mr. ARMSTRONG. Don Kessler?

Mr. DANNER. Don Kessler, Washington Post, re Rebozo. Question: Who introduced him to Nixon and when? What did I know about it and about Rebozo's finances, et cetera, and I made the notation "reporter very poorly informed, asked rude questions, very skeptical," and I concluded the conversation without talking to him.

Mr. ARMSTRONG. Did you report that phone call to anyone else, sir, that you received a call from Mr. Kessler?

Mr. DANNER. No.

Mr. ARMSTRONG. August 4, 1973, Saturday, William Turner, SEC, interview regarding Air West?

Mr. DANNER. That is right.

Mr. ARMSTRONG. That is regarding the SEC investigation of this matter?

Mr. DANNER. That is right.

Mr. ARMSTRONG. These entries in August 1973, from the 19th through the 25th, that are blotted off have no bearing on Mr. Rebozo or the President or any campaign contributions?

Mr. DANNER. No, sir.

Mr. ARMSTRONG. Now, would there be any other diary that would reflect meetings that you held in your office, other than this? Did you make notations of business appointments on anything else?

Mr. DANNER. Rarely would I make notations other than just a little slip on my desk. The stenographer might type up something and, when finished with the interview, throw it in the wastebasket—mostly staff people.

Mr. ARMSTRONG. Did you have a desk calendar?

Mr. DANNER. Yes, sir.

Mr. ARMSTRONG. Did you make notations of appointments on that?

Mr. DANNER. Sometimes she would come in and mark them down but again they were mostly staff meetings within the hotel or appointments I would have outside on Nevada Resort Association matters, general managers' meetings, and things of that sort.

Mr. ARMSTRONG. Was this a daily calendar, a flip-type calendar?

Mr. DANNER. Yes, sir.

Mr. ARMSTRONG. Do you know what happened to the 1973 calendar?

Mr. DANNER. No.

Mr. ARMSTRONG. I note that Mr. Wenzler and I met with you on August 30. We note we weren't mentioned.

Mr. DAVIS. Perhaps you are not very important.

Mr. ARMSTRONG. Our feelings are hurt but it is apparently true. But October 4, 1973, October 5, I gather the references there are to visits to the SEC?

Mr. DANNER. Right.

Mr. ARMSTRONG. And again, Mr. William Turner, and I gather that is Mr. Freedman's name under Mr. Turner's?

Mr. DANNER. That is right.

Mr. ARMSTRONG. Did you have any other meetings in Washington during that trip? I note you returned on Sunday, October 7?

Mr. DANNER. Saturday, I think I visited with some friends here. This is October?

Mr. ARMSTRONG. Yes.

Mr. DANNER. I think I visited with some friends out in Potomac, Md., on that date.

Mr. ARMSTRONG. Would that have included Mr. Ed Morgan?

Mr. DANNER. No.

Mr. ARMSTRONG. Do you know if you saw Mr. Morgan?

Mr. DANNER. I don't recall him having been there.

Mr. ARMSTRONG. Is there a reference on Tuesday, October 9, Ed Morgan, the rest is blotted out.

Mr. DANNER. I don't recall what that was.

Mr. ARMSTRONG. Do you recall what that entry refers to on October 9?

Mr. DANNER. No.

Mr. ARMSTRONG. Does it reflect a meeting with Mr. Morgan?

Mr. DANNER. I take it it does, Ed Morgan, looks like, and Ed Morgan but the reference below must have had something to do with legal representation.

Mr. ARMSTRONG. Would it be possible to doublecheck that reference and make sure it doesn't have any bearing?

Mr. DANNER. I am certain it didn't.

Mr. ARMSTRONG. October 30, says to LA for conferences with SS and BG regarding Sands.

Mr. DANNER. Steve Salvodelli and Bill Gay.

Mr. ARMSTRONG. Was the subject of that conference related to the Hughes contribution?

Mr. DANNER. No; it had to do with the Sands Hotel.

Mr. ARMSTRONG. Or Watergate hearings?

Mr. DANNER. No.

Mr. ARMSTRONG. And November 26, 1973, can you tell us what that is?

Mr. DANNER. It looks like Watergate, New York City via some airline. This is when I went up to JFK, porters, limousine. That is when I came up to New York for the meeting at your office [speaking to Davis].

Mr. ARMSTRONG. This indicates a meeting in Mr. Davis' office in New York City?

Mr. DANNER. Yes, sir.

Mr. ARMSTRONG. Regarding Watergate?

Mr. DANNER. Yes.

Mr. ARMSTRONG. And can you tell us, it says to New York City via some airline and what it says after that, the next four words?

Mr. DANNER. That must be United Airlines; yes.

Mr. ARMSTRONG. Were those hotel credit?

Mr. DANNER. Yes, sir; that is what it is.

Mr. ARMSTRONG. Can you tell us, was anyone else present besides yourself and Mr. Davis? You did meet with Mr. Davis?

Mr. DANNER. Yes; I don't recall who all was there.

Mr. ARMSTRONG. And do you remember any other individuals besides Mr. Davis?

Mr. FREEDMAN. He just said he didn't remember.

Mr. DANNER. I don't remember other than the office staff.

Mr. ARMSTRONG. He said he didn't remember who all was there. I said if he remembered any other people.

Mr. DANNER. His staff, stenographers.

Mr. ARMSTRONG. Then on December 1.

Mr. DAVIS. What date?

Mr. DANNER. Monday, November 26.

Mr. ARMSTRONG. I assume December 1 indicates when you came to testify here before this committee.

Mr. DANNER. That is right.

Mr. ARMSTRONG. And the item on Monday, December 3, is blotted out. It has no bearing on your testimony here?

Mr. DANNER. No.

Mr. ARMSTRONG. And similarly on the 4th, no bearing. And on the 5th, says return to Las Vegas.

Mr. DANNER. That is right.

Mr. ARMSTRONG. Then on Monday the 10th, another trip to testify here?

Mr. DANNER. Yes.

Mr. ARMSTRONG. An item blotted out on Tuesday, the 11th, has no bearing on Mr. Rebozo or the President?

Mr. DANNER. No.

Mr. ARMSTRONG. Or the Watergate hearings?

Mr. DANNER. No.

Mr. ARMSTRONG. And similarly, your trip on the 17th to Washington, was that for the purpose of testifying here?

Mr. DANNER. Yes.

Mr. ARMSTRONG. And the items blotted out on the 18th and 19th have no bearing on your testimony here, Or, Mr. Rebozo, the President, or——

Mr. DANNER. No.

Mr. ARMSTRONG. Have any bearing on Mr. Morgan?

Mr. DANNER. No, I am certain it didn't.

Mr. ARMSTRONG. OK, that is it for 1973.

Mr. LACKRITZ. Mr. Danner, we have gone through the diary entries for 1968 that you have produced here today. As I mentioned

previously to counsel, one of the many reasons for wanting to get you back in to testify again prior to the termination of the committee mandate was to try and clarify some contradictions that are presently on the record between your testimony and the testimony of some of the other witnesses we have had.

Is there anything that you recall, having gone through these 1968 diaries, from your prior testimony before this committee that you would like to change, in light of having gone through these diaries and refreshing your recollection about the events?

Mr. DANNER. No; I can think of nothing.

Mr. FREEDMAN. If you have something specific then I think in fairness to the witness you ought to tell him. Ask him anything at all, the most minute thing in the world.

Mr. LACKRITZ. Mr. Freedman, if I may, I was just giving the witness an opportunity prior to my asking him specific questions, to volunteer anything he could recall off the top of his head.

Mr. FREEDMAN. Go ahead.

Mr. DAVIS. Bear in mind the purpose and function of this hearing is not to prosecute anybody about anything but to develop facts which are relative to your inquiry, and I do think Mr. Freedman's remark is well taken, but proceed with anything which you would like to have the witness explain, if there is anything to explain, and if you have any testimony by anybody else which you think conflicts with his recollection, I suggest you produce whatever it is that was said by anybody and see if that refreshes his recollection.

Mr. LACKRITZ. As I recall your testimony the last time you were here, you testified that you met some time during the summer of 1968 with then candidate Nixon and Mr. Rebozo?

Mr. DANNER. That is right.

Mr. LACKRITZ. To discuss the question of ascertaining whether Mr. Howard Hughes would be willing to make a contribution to the 1968 campaign?

Mr. DAVIS. At this point I would like to have a reference to his testimony to which you are referring.

Mr. LACKRITZ. I am referring, Mr. Davis, to the transcript from December 18, 1973.

Mr. DAVIS. What page?

Mr. LACKRITZ. I am referring to pages 19 and 20 of that transcript.

Mr. DAVIS. While we are at it and while the witness is looking at that, will you then refer to whatever transcript of the testimony by anyone else that refers to that?

I take it this is a foundation, you find something we are unable to explain?

Mr. LACKRITZ. I am only asking if the records you produce today can verify the specific date that Mr. Danner testified previously as to when that meeting occurred, when Mr. Nixon and Mr. Rebozo discussed finance with you, Mr. Danner.

Mr. DAVIS. I thought you were referring to some contradictory testimony by someone else.

Mr. LACKRITZ. Not as yet.

Have you read through that testimony?

Mr. DANNER. Yes.

Mr. LACKRITZ. I take it that that is still your testimony, is it not?

Mr. DANNER. Yes. I can extend that a little in that the general discussion that was had at this time had to do with potential contributors, during which time the name of Hughes came up. Who raised it, I don't recall. But I did say that perhaps I said that I did not know Hughes or any of Hughes' people but that perhaps Ed Morgan, who did have a contact, can ascertain whether or not Hughes would be interested in making a contribution.

Mr. DAVIS. My recollection of the question is whether or not your diary can pinpoint the date——

Mr. LACKRITZ. That is right.

Mr. DAVIS [continuing]. Of this particular meeting any more than——

Mr. DANNER. No.

Mr. LACKRITZ. It cannot. And you have gone through the diary to try to pinpoint when this meeting occurred?

Mr. DANNER. Yes, sir.

Mr. LACKRITZ. You did testify on that occasion, on page 23, line 24, in response to the question by Mr. Lenzner, of whether or not there were other possible contributors you were asked to contact. You responded: "I think there was one, Clint Murchison, Jr., and I agreed to talk to him, which I did."

Mr. DANNER. Yes, sir.

Mr. LACKRITZ. Is that correct?

Mr. DANNER. That is correct.

Mr. LACKRITZ. Is that still your recollection of the discussion you had at the meeting?

Mr. DANNER. Yes, sir.

Mr. LACKRITZ. When you testified from your diary entries, Mr. Danner, as I recall, there is an entry on June 4, 1968, which indicates that you took a trip to Dallas, Tex., and that you testified this morning that you saw Mr. Murchison concerning a contribution at that time?

Mr. DANNER. Yes, sir.

Mr. LACKRITZ. So would that indicate to you that your meeting among Mr. Nixon and Mr. Rebozo occurred prior to June 4, 1968?

Mr. DANNER. Prior to what date?

Mr. LACKRITZ. To your trip down to see Mr. Murchison in response to the suggestion at this meeting?

Mr. FREEDMAN. Which was on June 4, 1968, according to your diary. Do you understand the question?

Mr. DAVIS. I think the inference that you are drawing, counsel, could be misleading the witness. I have no objection if it refreshes his recollection.

Mr. LACKRITZ. I am merely making an effort to refresh his recollection.

Mr. DAVIS. You are implying that somehow or other his prior testimony has some relationship to the date of the meeting. His prior testimony merely indicated, apart from the request that was made of him to contact Mr. Hughes, a question was asked whether or not he had been asked to contact anybody else, and he said: Yes, he contacted somebody else, namely, Mr. Murchison. We established today from his diary he went to Dallas on June 4, 1968.

The thing I want to make clear, he has no recollection. I have no objection to giving his recollection. I don't think it is fair to imply that there is any connection logically between the time he visited Clint Murchison and the time he was asked to approach Hughes.

Mr. ARMSTRONG. Mr. Davis, the question was, in the meeting with Mr. Rebozo and Mr. Nixon were there any other possible contributors he was asked to contact. This is referring to the one meeting. And he said I think there was one, Clint Murchison. So I think there is some logical connection.

Mr. DAVIS. I don't want the witness saying something unless he recalls it, if he recalls more definitely. You are attempting to identify the date of that meeting, is that correct?

The question to you, Mr. Danner, is whether or not what has been said refreshes your recollection as to the date of the meeting to which you previously testified?

Mr. DANNER. No, it does not.

Mr. LACKRITZ. All right. Were there any other contributors that you can presently recall that were brought up at the meeting you had with then candidate Nixon and Mr. Rebozo?

Mr. DANNER. My recollection of the discussion is that there were a number of names mentioned, none of which meant anything to me, as possible contributors.

Mr. LACKRITZ. Was the name Paul Getty mentioned at this meeting?

Mr. DANNER. I don't recall.

Mr. LACKRITZ. Was the name E. D. Ludwig mentioned at this meeting?

Mr. DANNER. I don't recall. It was just a general discussion. It wasn't an ongoing, step-by-step discussion. It was sort of a brainstorming session, who are potential contributors. The name Hughes came up and that is when I volunteered to see if Ed Morgan could find out for us. But this meeting, I didn't want you to draw an inference that this meeting was purely a meeting to discuss campaign finance. It was not.

Mr. LACKRITZ. It was a more general meeting to which the subject of campaign finance arose?

Mr. DANNER. That is right.

Mr. LACKRITZ. Well, when you traveled down to Texas on June 4, do you recall any other contributors that you contacted aside from Mr. Murchison?

Mr. DANNER. As I told you, I went over to Fort Worth, where I formerly lived and had a Ford dealership, and visited with some old friends, told them what I was going to do. I don't recall soliciting any of them for a campaign contribution. I think my recollection is more sounding them out as to what they thought of Nixon's chances, were they going to support him, what did it look like?

Mr. LACKRITZ. But you do not recall specifically asking any of those individuals for campaign contributions?

Mr. DANNER. No.

Mr. LACKRITZ. But you did ask Mr. Murchison for a contribution?

Mr. DANNER. I talked to him about his attitude, what he was going to do, and he indicated if he did go he would make other arrangements.

Mr. LACKRITZ. Do you recall if this trip was after your meeting with Mr. Nixon and Mr. Rebozo?

Mr. DANNER. My recollection is it would have been after the meeting.

Mr. LACKRITZ. Your trip to Texas would have been after your meeting with Mr. Rebozo and Mr. Nixon?

Mr. DANNER. Yes, sir.

Mr. LACKRITZ. OK.

Turning to your meetings with Mr. A. D. Davis during this period of time, which are reflected in your diary. At this time you were representing Mr. Davis in his efforts to purchase the Tropicana Hotel, is that correct?

Mr. DANNER. Yes, sir.

Mr. LACKRITZ. Were you involved at all in soliciting any campaign contributions for the 1968 campaign from Mr. A. D. Davis?

Mr. DANNER. No, sir.

Mr. LACKRITZ. Were you aware of any contributions made by Mr. A. D. Davis in the 1968 campaign?

Mr. DANNER. No, sir.

Mr. LACKRITZ. Did Mr. Rebozo ever inform you he received any campaign contributions from Mr. A. D. Davis?

Mr. DANNER. No, sir.

Mr. LACKRITZ. All right, are you aware of any contributions to the 1972 Presidential campaign made by Mr. A. D. Davis?

Mr. DANNER. No; I am not. Which is not to say I haven't read about it, but I had no knowledge of it.

Mr. LACKRITZ. Have you ever discussed with Mr. Rebozo the subject of contributions to the 1972 campaign made by Mr. A. D. Davis?

Mr. DANNER. No; not that I have any recollection of.

Mr. LACKRITZ. All right, when did you first become aware that allegedly a contribution was made by Mr. Davis to the 1972 campaign?

Mr. DANNER. When I read about it in the newspapers.

Mr. LACKRITZ. Do you recall when that was?

Mr. DANNER. It has been within the last month or so.

Mr. LACKRITZ. After you read about it in the newspapers have you had any discussions about the alleged contribution by Mr. Davis to the 1972 campaign with Mr. Rebozo or with any official or past officials of the White House?

Mr. DANNER. No, sir.

Mr. LACKRITZ. Have you discussed this subject with Mr. Ed Morgan?

Mr. DANNER. No, sir.

Mr. LACKRITZ. Have you talked to Mr. Davis since you learned of this alleged contribution?

Mr. DANNER. No, sir, I have not.

Mr. LACKRITZ. Were you aware of any other campaign contributions in 1968, other than the ones that you have described to this committee? I would like to qualify that—in excess of $10,000?

Mr. DANNER. No; I have no personal knowledge of any such gifts.

Mr. DAVIS. May I say do you have any testimony by anyone that is inconsistent with this witness' testimony?

Mr. LACKRITZ. You can ask.

Mr. DAVIS. I am asking.

Mr. FREEDMAN. If somebody else says he knows——

Mr. LACKRITZ. Can I just respond to the inquiry of Mr. Davis? First, I would be more than happy to have a colloquy with you about it.

In response to your inquiry, Mr. Davis, I don't want to discuss the specific testimony that the committee has or does not have. Mr. Danner's testimony, I think, will speak for itself and I am not in a position right now to discuss any other testimony.

Mr. DAVIS. I have no objection to giving you his best recollection, obviously, otherwise we wouldn't be here. But at the same time, you are trying to create the impression as a justification for pursuing prior interrogation of Mr. Danner that you have some conflicting or inconsistent testimony, and I don't think this is a fair way to proceed in this kind of a proceeding. Obviously, what I am saying, you are claiming that you are in possession of facts inconsistent with this witness' recollection.

Either you want to answer or you don't want to answer. I know this witness is right when he appears before the grand jury in preparation for it, which is one thing, and you are claiming that you are performing a function which parallels, to be sure, the grand jury investigation, and I suggest to you, sir, that this way of proceeding is improper.

Mr. LACKRITZ. Let me make two points, Mr. Davis. One is that we have not asked the witness prior to this date if he had any knowledge of contributions greater than $10,000.

Mr. DAVIS. If you want to say what you recall has been told, knowing of the contribution by X, Y, Z, you name him, and either he has a recollection or he doesn't. But this kind of interrogation smacks very much to me of a sort of cross-examination with which I am more familiar in judicial proceedings than I am in this kind of hearing. That is what I am objecting to. In a judicial proceeding at least I am entitled to an open hearing.

Mr. LACKRITZ. The only point that I was hoping to raise, and in response to your inquiry, were, one, that we have not asked that question of Mr. Danner previously and had not obtained that information, and second, we are not at liberty to discuss close information we may have obtained from other investigative agencies.

Mr. DAVIS. I am asking you to address your questions specifically—do you have a recollection of a contribution by X, Y or Z, so as to fairly attempt to refresh his recollection.

I don't know what you are trying to do here.

Are you trying to impeach the witness or trying to get information from him? If you are trying to get information from him, refresh his recollection.

I am not asking you to tell me what anybody else said to you. You can ask him, do you have any recollection, specifically of any contribution made by X, Y or Z?

Mr. LACKRITZ. Do you have any recollection of any contribution in 1968 by Mr. Don Kendall?

Mr. DAVIS. Who?

Mr. LACKRITZ. Kendall.

Mr. DAVIS. Can you identify him?

Mr. DANNER. Is that the Pepsi Cola man?

Mr. LACKRITZ. Yes.

Mr. DANNER. No; I have no knowledge of any contribution he made.

Mr. LACKRITZ. And, second, do you have any knowledge of any contribution made by Mr. Elmer Bobst?

Mr. DANNER. No; I don't. That name doesn't even ring a bell.

Mr. LACKRITZ. Fine. Do you have any knowledge of any contribution made by Clement Stone?

Mr. DANNER. No.

Mr. LACKRITZ. In the 1968 campaign?

Mr. DANNER. No.

Mr. DAVIS. I take it, in your answer you are excluding anything you might have read in the newspapers?

Mr. DANNER. I knew that, for example, Maurice Stans was raising money. I didn't know who he raised it from.

Mr. LACKRITZ. Now; the same question applies to knowledge of any contribution in the 1972 campaign by those previously mentioned individuals. Do you have any knowledge of any such contributions?

Mr. DANNER. None whatsoever.

Mr. LACKRITZ. And, finally, do you have any knowledge of any contribution made to the 1972 campaign by Mr. C. Arnholt Smith?

Mr. DANNER. C. Arnholt—no.

Mr. LACKRITZ. Fine.

All right, now, in your previons testimony, Mr. Danner, you testified that you had a meeting with Mr. Morgan and Mr. Rebozo in Washington, D.C., and that following that meeting at some point you were in New York City and met with Mr. John Mitchell. During this meeting Mr. Rebozo was called out of that meeting and apparently went to a telephone and came back some time later very angry since he was allegedly supposed to meet with Mr. John Meier and F. Donald Nixon?

Mr. FREEDMAN. Can you give us a page reference?

Mr. LACKRITZ. Yes; it is in the first day of testimony. The page reference is page 30. Roughly pages 30 through 40 describes the incident.

Mr. FREEDMAN. Of what day's testimony?

Mr. LACKRITZ. The first day.

Mr. FREEDMAN. "First day" doesn't mean anything.

Mr. LACKRITZ. December 18.

Mr. FREEDMAN. OK.

Mr. LACKRITZ. Mr. Danner, I take it, after reviewing these diaries, your testimony is the same that it was following your meeting with Mr. Morgan and Mr. Rebozo, that you recall meeting in New York with campaign manager John Mitchell when Mr. Rebozo was called from the room, is that correct?

Mr. DANNER. Yes. I am not so certain that was the meeting which I discussed here today where we talked to Mitchell about Florida but my recollection still is the same, that we had gone up to meet, I had gone up to meet Mitchell and Stans, meet Rebozo, and that is when he got the call concerning the Hughes contribution and he went out by himself to make the meeting and came back very upset and because Donald Nixon and Johnny Meier were involved in it he didn't want to have any part in that.

Mr. LACKRITZ. Judging from your testimony this morning about the dates in your 1968 diary, if your meeting with Mr. Morgan and Mr. Rebozo was on September 11, 1969, then to the best of your recollection——

Mr. DANNER. 1968.

Mr. LACKRITZ. Excuse me. Then to the best of your recollection, this meeting in New York would have been after September 11, 1968?

Mr. DANNER. Yes, sir, that would be my best recollection.

Mr. LACKRITZ. And is it also your recollection that that meeting is not reflected in your 1968 diary?

Mr. DANNER. The New York meeting?

Mr. LACKRITZ. Yes.

Mr. DANNER. I don't think so.

Mr. LACKRITZ. You don't think that the meeting is reflected in your diary?

Mr. DANNER. I don't recall making any notation in the diary as to the meeting up there with Rebozo when he made contact with the Hughes people.

Mr. LACKRITZ. Now you have testified before that on Thursday, July 18, you met with Mr. Rebozo and Mr. Garcia in Miami?

Mr. DANNER. What year?

Mr. FREEDMAN. What year?

Mr. LACKRITZ. 1968.

Were any campaign contributions discussed at that time with Mr. Garcia?

Mr. DAVIS. If you recall any.

Mr. DANNER. I don't recall any.

Mr. LACKRITZ. All right, was the primary subject of discussion at that time Mr. Garcia's role in the Democrats for Nixon organization?

Mr. DANNER. Yes.

Mr. LACKRITZ. In Florida?

Mr. DANNER. Yes, sir.

Mr. LACKRITZ. Were any campaign contributors discussed with Mr. Garcia at that time?

Mr. DANNER. I don't recall any.

Mr. ARMSTRONG. Were you aware of Mr. Rebozo receiving any large quantities of cash on that date or prior to that date?

Mr. DANNER. No.

Mr. ARMSTRONG. Prior to November 5, 1968, prior to the election day, were you aware of Mr. Rebozo receiving any quantities of cash in excess of $10,000 from any source?

Mr. DANNER. No.

Mr. LACKRITZ. All right, now, prior to the election of 1968, Mr. Danner, did anyone provide you personally with any sums of cash over $10,000?

Mr. DANNER. No.

Mr. LACKRITZ. You received no cash at all?

Mr. DANNER. No, sir.

Mr. LACKRITZ. And are you aware if Mr. Morgan had any cash at the time that he met with you and Mr. Rebozo for breakfast on September 11, 1968?

Mr. DANNER. No.

Mr. LACKRITZ. You are not aware or he did not have any cash?

Mr. DANNER. I am not aware that he had any.

Mr. LACKRITZ. Can I finally—with respect to 1968 attempted contribution from Mr. Hughes, there is a direct conflict between your testimony and the testimony of Mr. Rebozo concerning who initiated the discussions about the contribution.

Is it still your testimony that it was Mr. Rebozo who asked you to ask the Hughes people if they were interested in making a contribution to the 1968 campaign?

Mr. FREEDMAN. What page?

Mr. LACKRITZ. Roughly the same section of the December 18 testimony, Mr. Freedman.

Mr. DAVIS. The assertion you are making is there is a conflict with Mr. Rebozo's testimony. If you want this witness to address himself to that, I think he ought to be shown the testimony.

Mr. LACKRITZ. I make the representation to you.

Mr. DAVIS. Make the representation as to what Mr. Rebozo said. There is the problem about who said what first.

Mr. LACKRITZ. I just did, Mr. Davis. I said Mr. Rebozo represented that Mr. Danner initiated the contact of the Hughes contribution and Mr. Danner's testimony is——

Mr. FREEDMAN. He did initiate the contact.

Mr. LACKRITZ. He initiated the subject of the Hughes contribution.

Mr. FREEDMAN. That is the difficulty, unless you have the exact language.

Mr. LACKRITZ. I am only asking the question, Mr. Danner. If Mr. Danner's testimony——

Mr. DAVIS. Do you remember who said what first?

Mr. LACKRITZ. Page 21 of the transcript of December 18, 1973, is that still your testimony?

Mr. DANNER. [reading].

Mr. LENZNER. Who first raised the subject of contribution from Hughes Tool Co. at the time of the meeting, to your recollection?

Mr. DANNER. I don't recall. The discussion generally was did I know or did I have any contacts that I could use to raise money? Generally, the people that I knew, of course, they knew equally well or better. The question arose as to what would be the best way of contacting Mr. Hughes as to whether or not he would contribute.

Mr. LENZNER. Who raised that?

Mr. DANNER. I don't recall.

Mr. LENZNER. It was not you?

Mr. DANNER. No, I don't think so.

Mr. LACKRITZ. Is that still your testimony?

Mr. DANNER. Yes.

Mr. LACKRITZ. You do not believe you raised the subject initially?

Mr. DANNER. Yes, sir.

Mr. DAVIS. He is not changing his testimony. I don't agree with your characterization of his testimony. That is my problem, Mr. Lackritz.

Mr. LACKRITZ. OK.

Mr. DAVIS. It seems to me he is not changing his prior testimony.

Mr. LACKRITZ. That is all I am asking him, Mr. Davis.

Mr. DAVIS. Fine. Basically, as I understand it, he doesn't remember, except some things that were discussed generally.

Mr. LACKRITZ. Now, Mr. Danner, your diary shows that you traveled to Las Vegas on December 5, 1968. Did you meet with Mr. Robert Maheu on that occasion?

Mr. DANNER. Yes.

Mr. LACKRITZ. And where did you meet with Mr. Maheu?

Mr. DANNER. My recollection was that I met him at a cocktail party at the Sands Hotel with a number of his staff people.

Mr. LACKRITZ. So that would have been late in the day on December 5?

Mr. DANNER. Yes. I got in late in the afternoon, as I recall, and went over to this cocktail party, a small cocktail party in Ed Nigro's apartment.

Mr. LACKRITZ. And do you recall how many people were at the party?

Mr. DANNER. Possibly 8 or 10.

Mr. LACKRITZ. Were they all employees of Mr. Maheu?

Mr. DANNER. Yes, sir.

Mr. DAVIS. I think the witness is referring to employees. I don't know what you mean by employees of Mr. Maheu.

Mr. LACKRITZ. Were they all individuals who worked for Mr. Maheu?

Mr. DANNER. Let me state it this way.

Mr. LACKRITZ. I take it, you are objecting to the legal term employee?

Mr. DAVIS. I don't answer this witness' answers.

Mr. DANNER. I understood this to be Maheu's staff people.

Mr. LACKRITZ. And how did you decide to go out to Las Vegas on that occasion? Did Mr. Maheu invite you out?

Mr. DANNER. Yes, sir.

Mr. LACKRITZ. And was this an invitation issued through Mr. Morgan or——

Mr. DANNER. Both of them talked to me about it.

Mr. LACKRITZ. And the purpose of this meeting was to discuss possible employment with the Hughes Tool Co.?

Mr. DANNER. That is right.

Mr. LACKRITZ. Did you have any discussion at this cocktail party with Mr. Maheu?

Mr. DANNER. I don't recall whether we discussed at the party or just met and visited with the people and had the meeting the next morning up in his office, but there was a discussion with Maheu and Nigro.

Mr. LACKRITZ. What was the nature of the discussion?

Mr. DANNER. About me coming out there as manager of the Frontier Hotel.

Mr. LACKRITZ. All right, at that time did the subject of the December 5 meeting, in the late afternoon, the subject of political contributions arise?

Mr. DANNER. No, sir.

Mr. LACKRITZ. Did Mr. Maheu discuss with you anything concerning Mr. Maheu or the Hughes Tool Co. involvement in the 1968 campaign?

Mr. DANNER. No; I recall no discussion along those lines.

Mr. LACKRITZ. In the afternoon of December 5, 1968, did Mr. Maheu provide you with any cash?

Mr. DANNER. No.

Mr. LACKRITZ. And did he provide you with any checks of any kind to be used for political contributions?

Mr. DANNER. No, sir.

Mr. FREEDMAN. How far forward are you going from December 5?

Mr. LACKRITZ. I am talking about the afternoon of December 5, 1969. I think, if it is not clear for the record, the previous line of ques-

tioning has been directed to the meeting on December 5, 1968, between Mr. Mahen and Mr. Danner.

Did you meet later on December 5, after this cocktail party, did you have any other discussions that same day with Mr. Mahen?

Mr. DANNER. No; my recollection was that we met the next morning up in his office, which would have been the sixth.

Mr. LACKRITZ. That would have been the next time that you saw him?

Mr. DANNER. Yes, sir.

Mr. LACKRITZ. Did he discuss with you at that time any attempt to make a political contribution at Palm Springs?

Mr. FREEDMAN. You are talking about the morning of December 6?

Mr. LACKRITZ. That is right, 1968.

Mr. DANNER. I recall there was some conversation. Whether or not it was at that time or prior to his visit to Palm Springs or after his visit to Palm Springs, he having mentioned to me that he was either going to or had tried to make a contribution to the President at Palm Springs. I am just hazy as to the timing of that. But I do know that later he told me Governor Laxall had accompanied him down there and they had not been able to see the President.

Mr. LACKRITZ. Do you recall him telling you that immediately after returning from Palm Springs during the same visit by yourself to Las Vegas?

Mr. DANNER. I don't recall this having been discussed during my first visit to Las Vegas. That was purely business having to do with the possibility of my taking employment in Las Vegas.

Mr. LACKRITZ. But you just testified that he may have told you prior to his going to Palm Springs he was going to attempt to make a contribution at Palm Springs.

Mr. DANNER. I am not certain as to the timing, whether it was before or after the attempt.

Mr. LACKRITZ. And he also reported to you that the attempt was unsuccessful, at a later time, not on this first visit?

Mr. DANNER. That is right.

Mr. LACKRITZ. All right, did he on the second day, on December 6, provide you with any cash?

Mr. DANNER. No, sir.

Mr. LACKRITZ. Provided you with no cash?

Mr. DANNER. No, sir.

Mr. LACKRITZ. To be used as a political contribution to either pay for election debts of President Nixon's 1968 campaign or for any other purpose?

Mr. DANNER. No, sir.

Mr. LACKRITZ. All right, did you meet with him on any other occasion during the first visit to Las Vegas either on December 6, 7, or 8?

Mr. DANNER. I don't know, I don't recall how long I stayed out there. It was a rather short period. Most of the time was spent in conferences wherein they were explaining to me the nature of the setup, the problems they were encountering, and pressing me for an earlier decision as to whether I would come out there. But it had nothing to do with campaign, campaign contributions, none whatsoever.

Mr. LACKRITZ. Did you see any cash in the presence of Mr. Mahen? Did Mr. Mahen show you any cash that he may have assembled at that time?

Mr. DANNER. No.

Mr. LACKRITZ. In your testimony before Judge Pregerson in the trial in Las Vegas on May 3, 1974, at page 7794, Judge Pregerson asked you in reference to the two $50,000 contributions, did you ever handle $50,000 cash before, and your response was, "Yes, sir," on page 7795. And the matter was not pursued further.

What were you referring to in that testimony?

Mr. DANNER. I recall the question. It had to do with previous campaigns, nothing having to do with Presidential elections. Wherein campaign contributions in excess, not in one amount, in excess of $50,000 were contributed. This had nothing to do with the Presidential campaign.

Mr. LACKRITZ. But these were contributions in cash greater than $50,000?

Mr. DANNER. No; the Judge's question was, didn't I consider $50,000 to be a large amount, and I said in previous campaigns, funds that were raised would be in excess of $50,000 but I didn't handle them.

Mr. LACKRITZ. In other words, you are explaining your testimony before Judge Pregerson referred to aggregate sums of contributions in cash?

Mr. DANNER. Yes, dating back to the fifties.

Mr. LACKRITZ. All right, so it did not refer to any contributions that you may have received from Mr. Maheu prior to the time you delivered the money to Mr. Rebozo?

Mr. DANNER. No connection whatsoever.

Mr. LACKRITZ. Now, Mr. Danner, in your diary of 1968, on Thursday, November 21, you have a notation LD, presumably long distance call, from CGR, referring to Mr. Rebozo, Miami, re, "House project".

Did your visit in Las Vegas with Mr. Maheu have anything to do with the house project referred to in your diary on November 21?

Mr. DANNER. No, my visit with Maheu in Las Vegas, I am pretty firm in my recollection, solely was concerned with possibility of employment. We discussed no politics, no projects or campaign contributions, nothing of that sort.

Mr. LACKRITZ. All right, so you are fairly firm in your recollection of the meeting from December 5 through December—in Las Vegas, it has nothing to do with campaign contributions and nothing to do with the house project mentioned in your diary on November 21, 1968?

Mr. DANNER. Yes; I am, my recollection seems to be very firm on that.

Mr. LACKRITZ. Adding, to make sure that we can't misrepresent what the diary says, it had nothing to do with your long-distance call on November 29, 1968, to Mr. Rebozo re, project, your meeting with Mr. Maheu?

Mr. DANNER. I do not recall any connection between Rebozzo, et al., and Maheu, el al., at that stage. One was entirely separate from the other.

Mr. LACKRITZ. Two completely different entities?

Mr. DANNER. That is right.

Mr. LACKRITZ. Did you have any questions at this point about 1968?

Mr. SCHULTZ. No.

Mr. LACKRITZ. Mr. Danner, you have testified that you visited the Bahamas shortly after the 1968 elections at the request of Mr. Rebozo.

Mr. FREEDMAN. What page?

Mr. LACKRITZ. I don't recall the page reference in your testimony. I will ask you the question fresh then as opposed to flipping through.

Mr. DAVIS. Are you referring to the diary entry where he said he was met at the airport and then went to the Bahamas? I don't know what you mean by request of, if he visited the Bahamas when he said he did.

Mr. LACKRITZ. Did you visit with President-elect Nixon following the 1968 campaign?

Mr. DANNER. I will have to look up the date. I did go down there to Walker Cay and met with Rebozo and Abplanalp and President Nixon. Was that before or after the election?

Mr. DAVIS. Whenever it was. Mr. Nixon?

Mr. DANNER. Mr. Nixon.

Mr. LACKRITZ. Is Walker Cay a different island than Grand Cay?

Mr. DANNER. They are adjacent to each other separated by a small lagoon and body of water.

Mr. LACKRITZ. Do you recall when you visited on Walker Cay with the President?

Mr. DANNER. Well, it is in that——

Mr. DAVIS. He testified to it a moment ago. It was in the diary.

Mr. LACKRITZ. I thought that was Spanish Cay.

Mr. DANNER. These are two separate visits.

Mr. LACKRITZ. I stand corrected then. My recollection from diary, in the diary in 1968 was, following the election there was no reference to any trip to Walker Cay or Grand Cay.

Mr. DANNER. Spanish Cay. That had nothing to do with Abplanalp-Nixon.

Mr. DAVIS. You will find in connection with the reference he was met at the airport by Butler Aviation, as I recall the testimony.

Mr. DANNER. That was Walker Cay.

Mr. DAVIS. He was met there to go to Walker Cay.

Mr. SCHULTZ. April 9, 1968.

Mr. DAVIS. This was before. It is your construction which is confusing.

Mr. LACKRITZ. Maybe I will have to find Mr. Danner's previous testimony. He has testified following the election, I believe, you earlier testified sometime in early 1968 or early 1969.

Mr. DAVIS. His recollection may be wrong as to dates. The point is today he testified one entry on the calendar.

Mr. LACKRITZ. I am just trying to determine if there were more than one meeting.

Do you recall?

Mr. DANNER. Spanish Cay in December 1968?

Mr. LACKRITZ. Yes.

Mr. DANNER. That had nothing to do with Walker Cay.

Mr. LACKRITZ. I understand that. Do you recall going down to visit with President-elect Nixon in Walker Cay following the 1968 election?

Mr. DANNER. When, whatever the date was, and we can ascertain that very easily, it is in the diary.

Mr. LACKRITZ. Well——

Mr. DAVIS. A moment ago the witness said he did visit Walker Cay when Mr. Nixon was there but he did not know whether or not it was before or after the election.

Mr. MOORE. Maybe I could clear this up or refresh your recollection. In the May 3 testimony in Los Angeles you were asked, page 7781:

Now, Mr. Danner, let's go back to the political activity. After the election you recall a particular social trip that you took to the Bahama Islands? Answer. Yes. Will you tell His Honor and members of the jury where you went in the Bahamas? Answer. I was in Florida and received a call from Mr. Rebozo telling me if I could get away for a couple of days they would have a plane pick me up in Fort Lauderdale and fly me to one of the Bahamas group islands, Walker Cay, owned by a very good friend of Mr. Rebozo, Mr. Nixon. I flew over there and we visited, spent a day and night and returned the next day.

That is page 7781 to 7782. That was your testimony.

Mr. DAVIS. Where?

Mr. MOORE. A month ago in the Maheu against Hughes litigation in Los Angeles, it was after the election.

Mr. DAVIS. That is not the testimony today based on his calendar. We want to go and find out whether or not he was, if you recall, whether that testimony was accurate as to date. It is fine with me if we are going to stay here for the purpose of this proceeding to try to straighten out the testimony in all of the legal proceedings on the ground that it is relevant to the enabling resolution of the Senate committee. I respectfully submit that the objection that I stated at the beginning of this hearing covers more ground than I anticipated because I don't think that it is appropriate at this juncture to attempt to get this witness to reconcile all of the testimony he has ever given in any other proceeding.

I don't mind your asking him if he recalls today any meeting following the election at Walker Cay or anywhere else, because I don't think that this is an appropriate forum, particularly in the manner it is being conducted to have this witness attempt to reconcile all of the testimony where the witness is answering questions based upon the thread of whatever the line of questioning is.

I will instruct the witness not to answer any further questions until I have an opportunity to review all of the testimony he has given in every forum.

Mr. DANNER. Wednesday, April 10, 1968, is when I went to Walker Cay.

Mr. LACKRITZ. My question, Mr. Danner, is a purely simple one, I think.

Do you recall any other occasions, aside from the one noted in your diary, when you would have visited with President-elect Nixon, Mr. Rebozo, and Mr. Abplanalp on Walker Cay?

Mr. DANNER. No. I was only there on one occasion. So if I said, if I understood you to say that I testified this was after the election, I was in error as to the date.

Mr. LACKRITZ. Fine. That is really all I wanted to clear up.

Mr. DAVIS. Now, since Mr. Lenzner just walked in, we are now making an effort to reconcile his testimony as refreshed by this particular diary with respect to testimony he gave in the action pending in the Federal courts in Los Angeles where he did not have his diary and where he made a mistake with respect to the date. I submit that this is neither the proper place nor forum to attempt to do that kind of attack.

Now, we have established that apparently he was in error as to the date when he visited Walker Cay, as he testified before Judge Pregerson in California.

My question at this point is what has this got to do with the enabling resolution of the Senate?

Mr. LACKRITZ. I think we have clarified the——

Mr. DAVIS. This is outrageous.

Mr. LACKRITZ. Mr. Davis, fortunately——

Mr. DAVIS. I don't know what kind of prosecution this is going on here.

Mr. LACKRITZ. Mr. Davis, if I may——

Mr. DAVIS. I think you ought to call this to the attention of Judge Pregerson so we can reopen the trial and correct that part of the testimony.

Mr. DANNER. I think what caused my mistake is that the trip to Spanish Cay was after the election of 1968.

Mr. LACKRITZ. The only reason for clarifying that was to insure we weren't gong to unfairly represent your travels, Mr. Danner, in connection with President-elect Nixon, and since this is the first chance we have had to look at your diary——

Mr. DAVIS. Now we are trying to straighten out the testimony of this witness based upon secret hearings that were held by this committee with respect to public hearings he had in the Federal courts in Los Angeles, and at some point I have to protect this witness from this kind of conduct.

Mr. LACKRITZ. I understand that.

Mr. DAVIS. And I seriously object to the star chamber proceedings.

Mr. LENZNER. Let the record reflect Mr. Davis is smiling.

Mr. DAVIS. Everybody is laughing but it is a serious matter.

Mr. LACKRITZ. It is certainly a serious matter. Let us get on to other matters.

When, Mr. Danner, do you recall that Mr. Smathers first mentioned to you that he was going to sell his home to President-elect Nixon?

Mr. DANNER. I don't recall the exact date. I place it some time late in 1968.

Mr. LACKRITZ. Was it prior to the time that you went out to Las Vegas to discuss possible employment with Mr. Maheu?

Mr. DANNER. I don't recall whether it was before or after that trip.

Mr. LACKRITZ. And you recall where it was that Mr. Smathers made these comments to you?

Mr. DANNER. No.

Mr. LACKRITZ. Was anybody else present when Mr. Smathers was discussing this with you?

Mr. DANNER. I don't recall anyone else present.

Mr. LACKRITZ. All right, do you recall discussing with Mr. Smathers anything concerning the financing—the purchase of the home by President-elect Nixon?

Mr. DANNER. No.

Mr. LACKRITZ. Did you ever discuss the financing of this purchase with Mr. Rebozo?

Mr. DANNER. No.

Mr. FREEDMAN. He answered that.

Mr. DANNER. I wasn't involved in it.

Mr. DAVIS. He is subject to cross-examination.

Mr. DANNER. Smathers simply told me——

Mr. FREEDMAN. One calls it direct and Lackritz cross-examines. He answered this before when Mr. Armstrong questioned him.

Mr. LACKRITZ. I am trying to refresh his recollection.

Mr. FREEDMAN. If he didn't remember it when Mr. Armstrong asked the question I don't see how he is going to remember any more when you ask the question.

Mr. DANNER. I can say it meant so little to me, it wasn't a memorable event, it was just Smathers said he was going to sell his house to Mr. Nixon. That was it. I never heard the details how they were going to handle it.

Mr. LACKRITZ. Did you learn that President-elect Nixon was going to purchase two homes on Key Biscayne?

Mr. DANNER. No.

Mr. LACKRITZ. So your only knowledge of these purchases was former Senator Smathers mentioned one home was going to be sold?

Mr. DANNER. His home.

Mr. LACKRITZ. All right, did you ever learn from Mr. Smathers or from anyone else that Mr. Rebozo was going to purchase another home on Key Biscayne?

Mr. DANNER. No; I think I read about it in the paper later, much, much later.

Mr. LACKRITZ. When you say much, much later, when would that have been?

Mr. DANNER. I would say in recent months.

Mr. DAVIS. I understand that the Senate committee may be interested in pursuing President Nixon but so far as I am concerned, this enabling resolution to which you are pursuing relates to contributions related to the 1972 Presidential campaign. If you will relate that last line of questioning to the proper scope of the enabling resolution I will not interfere. But I must rely, Mr. Lackritz, on your representation that there is some connection that you will reveal fairly soon, I hope, between this line of questioning and this attempt to cross-examine this witness with respect to not only his prior testimony in other proceedings, all of which to my mind is completely immaterial.

Now we are going into some real estate transactions.

Mr. LACKRITZ. I think Mr. Danner has testified that he has no knowledge of these transactions, Mr. Davis, and I think answers the questions in terms of relating——

Mr. DAVIS. I think you are going way above and beyond your enabling resolution. I think you are conducting some kind of previously unheard of proceeding paralleling a number of other investigative agencies with respect to whatever Mr. Nixon, President or otherwise, has done or has not done, which is wholly unrelated. The only purpose of this inquiry by the Senate is to report on possible legislation which may be required relating to political contributions, and I cannot see the relationship.

Mr. LENZNER. Why don't we lay some foundation for the questions?

Did you ever discuss with former Senator Smathers or other individuals the need to raise funds to pay for President Nixon's homes?

Mr. DANNER. No, sir.

Mr. LENZNER. Did you ever discuss with Senator Smathers, Mr. Rebozo, or President Nixon or other individuals the raising of campaign contributions for the purpose of defraying expenses, improvements, or furnishings at President Nixon's homes at 500 and 516 Bay Lane, Key Biscayne, Fla.?

Mr. DANNER. No, sir.

Mr. LENZNER. Did you ever learn of or receive any information other than from the news media that funds designated as campaign contributions for the 1972 election were, in fact, used to pay for expenses, improvements, or furnishings at the President's homes at 500 or 516 Bay Lane?

Mr. DANNER. To my own knowledge, I had no knowledge of that, no information. I have since read news reports intimating that might have been so.

Mr. LENZNER. I said aside from the news media, did you receive any information firsthand from any individual?

Mr. DANNER. No.

Mr. DAVIS. Now may we conclude? Doesn't that cover the waterfront?

Mr. LACKRITZ. Did Mr. Rebozo ever indicate to you after President Nixon was inaugurated, on January 20, 1969, that he had any responsibilities for raising any funds for general purposes at that time?

Mr. DANNER. No.

Mr. LACKRITZ. Did Mr. Rebozo at any time when he approached you about a contribution from Hughes, after President Nixon was inaugurated on January 20, 1969—did Mr. Rebozo ever indicate to you that the purpose of the fund was for anything other than political races coming up in 1970 and/or 1972?

Mr. DANNER. Well, now, if you are getting into the area of campaign contributions for the 1970 congressional elections, those conversations were instituted or began sometime in the first half, late in the first half of 1969, according to my recollection. They had no reference whatsoever to defraying any previous expenses, making up deficits.

Mr. LENZNER. How about future expenses?

Mr. DANNER. Only insofar as the 1970 congressional elections were concerned.

Mr. LACKRITZ. All right, my question was, did Mr. Rebozo indicate a purpose for the fund to you other than the 1970 congressional campaign?

Mr. DANNER. No.

Mr. LENZNER. You say the first half of the year of 1969? Is that what you said?

Mr. DANNER. Yes.

Mr. LENZNER. The latter part of the first half of the year?

Mr. DANNER. That is right. I think around May or June.

Mr. LENZNER. Springtime?

Mr. DANNER. Yes, sir. May or June.

Mr. ARMSTRONG. Did Mr. Rebozo ever relate to you, or anyone else relate to you, the fact that Mr. Rebozo had funds which he was expending and intended to expend on behalf of President Nixon?

Mr. DANNER. No.

Mr. LACKRITZ. I would like to direct your attention to a letter dated May 19, 1969, from Mr. Rebozo to yourself and marked as exhibit 22 in this morning's session.

Take a minute to read the letter to refresh your recollection.

Mr. DANNER. Yes.

Mr. LACKRITZ. Now, directing your attention to the first paragraph of that letter. Excuse me, counsel.

Directing your attention to the first paragraph of this letter, Mr. Rebozo states, "The last evening there," referring to Las Vegas, "turned out very well. The opportunity to discuss the matter which we had talked about presented itself and as it turned out I don't believe it could have worked out better."

What was Mr. Rebozo referring to?

Mr. DANNER. I cannot recall. I have no recollection whatever what subject matter he is referring to in the letter.

Mr. LACKRITZ. The date of the letter is May 19, 1969. Could that have referred to his solicitation of you of political contributions?

Mr. DANNER. I just don't recall.

Mr. LACKRITZ. Could it have referred in any way to the purchase of the homes at Key Biscayne?

Mr. DANNER. I don't recall. I don't want to speculate on it because I have no recollection whatsoever. When I found the letter to bring in here I was completely in the dark as to what the nature of that was.

Mr. LACKRITZ. All right, the last sentence of the first paragraph reads, "I am sure the message came through loud and clear with respect to both matters which you mentioned to me at the cocktail party." Do you recall what that refers to?

Mr. DANNER. No; I don't.

Mr. LACKRITZ. Do you recall the cocktail party that you attended with Mr. Rebozo on his visit?

Mr. DANNER. Yes. I am certain this was at a time when there was a large cocktail party at a prominent home there in Las Vegas to which I had been invited, my wife and I, and he accompanied us.

Mr. LACKRITZ. Whose home was that?

Mr. DANNER. A woman named Tony Clark, Mrs. Tony Clark, whose husband used to be a prominent owner in the Desert Inn.

Mr. LACKRITZ. And this was a cocktail party in honor of Mr. Rebozo?

Mr. DANNER. No, no. He just happened to show up coincidentally at that time.

Mr. LACKRITZ. I see. And do you recall how long he stayed on this occasion? I take it when he refers to a wonderful weekend in Las Vegas he is referring to the previous weekend. Would that be correct?

Mr. DANNER. I don't recall how long he stayed on the occasion of this visit. The party, as I recall, was sometime on the weekend. When he went back, I don't recall.

Mr. LACKRITZ. Do you recall the purpose of his visit?

Mr. DANNER. Just visiting Las Vegas. I think it was on this occasion he told me he hadn't been there in a number of years and wanted to see it and see what it looked like now.

Mr. LACKRITZ. Were there any meetings on that weekend among yourself, Mr. Maheu, and Mr. Rebozo?

Mr. DANNER. I am sure I introduced him around the place to various officials.

Mr. LACKRITZ. Well, do you recall specifically any meetings that you had with Mr. Rebozo?

Mr. DANNER. No; I don't recall any meetings as such.

Mr. LACKRITZ. Were any political contributions discussed on that occasion, that you can recall?

Mr. DANNER. No.

Mr. LACKRITZ. You are sure they were not?

Mr. DANNER. My best recollection is that they were not.

Mr. LENZNER. Have you made any effort to refresh your recollection since you discovered this letter as to what these matters refer to?

Mr. DANNER. No, sir.

Mr. LENZNER. Have you discussed this letter at any time, since discovering it, with Mr. Rebozo himself or any representative of his?

Mr. DANNER. No, sir.

Mr. LENZNER. Was this an occasion when Mr. Rebozo stayed at the Frontier Hotel?

Mr. DANNER. Yes, sir, on that date he would have been.

Mr. LENZNER. And do you recall discussing any matters with him during the weekend that he speaks about that he was there?

Mr. DANNER. I don't recall any what you might call official discussions, anything of any nature, note or seriousness. It was just more of a fun weekend. We took him to a show. It was on that occasion that he saw several shows in town, dinner, things of that sort.

Mr. LENZNER. Was he alone or was he with somebody else?

Mr. DANNER. He was alone.

Mr. LENZNER. This language seems to indicate that the matter that you had spoken about with him was discussed by him with some other individual. Do you know who the other individual or individuals were that he took this matter up with?

Mr. DANNER. No; I don't.

Mr. LENZNER. And it says: "I am sure the message came through loud and clear both with respect to the matter you mentioned to me at the cocktail party."—Do you recall either of the matters referred to there?

Mr. DANNER. Mr. Lenzner, that letter is meaningless to me at this point. I have no recollection whatsoever what the subject matter was we discussed, with whom we discussed it or what it was all about.

Mr. LENZNER. Do you recall any issues that you were concerned with or dealing with during this period of time that you were interested in raising with Mr. Rebozo?

Mr. DANNER. No.

Mr. LENZNER. Now it also refers to an advance you provided him. What was that with reference to?

Mr. DANNER. I loaned him some money.

Mr. LENZNER. Do you remember how much?

Mr. DANNER. $1,000.

Mr. LENZNER. And did you give it to him in cash?

Mr. DANNER. I think I cashed a check at the cage and gave him the money.

Mr. LENZNER. Cashed your own check?

Mr. DANNER. Yes, sir.

Mr. LENZNER. And did he enclose a check with this letter, to your recollection?

Mr. DANNER. It seems to me that—is there a mention made of a return of——

Mr. LENZNER. Is says, "The advance you provided me is returned herewith."

Mr. DANNER. Yes, sir, he sent me a check which I deposited to my account.

Mr. LACKRITZ. All right, Mr. Danner, do you recall traveling to Washington, D.C. in November 1969, to attend a stag dinner for Prince Philip of England?

Mr. DANNER. Yes, I recall attending a stag dinner for Prince Philip. Whether it was in November, I am not in a position to say. You have got the date.

Mr. LACKRITZ. I believe for the record, it was early November, around November 5 or 6, 1969?

Mr. DANNER. Yes, sir.

Mr. LACKRITZ. Did you meet with Mr. Rebozo on that occasion?

Mr. DANNER. He was there, yes.

Mr. LACKRITZ. Did you meet with President Nixon on that occasion?

Mr. DANNER. I met him in the reception line.

Mr. LACKRITZ. Did you have any discussion with President Nixon on that occasion?

Mr. DANNER. No.

Mr. LACKRITZ. It was merely a——

Mr. DANNER. He introduced me to the Prince.

Mr. LACKRITZ. Was Mr. Maheu with you on that occasion?

Mr. DANNER. No, I don't believe he was.

Mr. LACKRITZ. You do not?

Mr. DANNER. I do not believe he was.

Mr. LACKRITZ. All right, showing you a copy of exhibit No. 24, which is a letter to you dated November 17, 1969, is there any reason why you would have requested the list of guests that attended that dinner from Mr. Rebozo?

Mr. DANNER. Oh, just to have a record to see who was there, the number of prominent people.

Mr. LACKRITZ. Was it for any other purpose?

Mr. DANNER. No.

Mr. LACKRITZ. It was not for any purpose of your responsibilities in the Hughes Tool Co.?

Mr. DANNER. No.

Mr. LACKRITZ. And also referring briefly back to exhibit No. 23, correction, exhibit No. 22, we just discussed when Mr. Rebozo said the message came through loud and clear with respect to both matters, could that have referred to any matters of concern to Mr. Hughes or the Hughes Tool Co. that you would have brought up with Mr. Rebozo in May 1969?

Mr. DANNER. Again I have no recollection what the purpose of that was.

Mr. LACKRITZ. Showing you a letter dated November 19, 1969, marked as "Exhibit No. 25" from this morning, this is a letter from you to Mr. Rebozo and discusses a Mr. Walker.

I want you to read that to refresh your recollection and explain what that letter is all about.

Mr. DANNER. This fellow Walker who had worked very diligently in the 1968 campaign had written me a letter apparently seeking some help and I sent this on to Bebe with these comments. Anything they could do to help him certainly would be appreciated—which is customary after a political campaign.

Mr. LACKRITZ. Do you know if anything was done to help this individual?

Mr. DANNER. No.

Mr. LACKRITZ. You are not aware of anything?

Mr. DANNER. I don't know of anything.

Mr. LACKRITZ. Any position that may have been offered?

Mr. DANNER. No. He is not seeking a job, I don't think.

Mr. LACKRITZ. What was his first name?

Mr. DANNER. I don't remember.

Mr. LACKRITZ. Do you recall receiving a response from Mr. Rebozo to this letter?

Mr. DANNER. No.

Mr. LACKRITZ. Would it have been in your files if you had received one?

Mr. DANNER. I am sure it would be.

Mr. LACKRITZ. Showing you a copy of exhibit No. 26 from this morning, a letter dated March 3, 1970, from yourself to Mr. Rebozo—could you describe the purpose of that letter?

Mr. DANNER. Morgan had taken it upon himself to prepare a brief, having to do with the constitutionality of school busing and asked me if I thought the administration would be interested in it and I said I didn't know but I would send it down to Bebe and if he thought there was any interest he would get it in the right hands.

Mr. LACKRITZ. Mr. Morgan came to you with this brief and you did not solicit from him?

Mr. DANNER. No.

Mr. LACKRITZ. Did you receive any instructions from Mr. Rebozo to seek out any views on school busing?

Mr. DANNER. No, sir, this was gratuitous on Morgan's part.

Mr. LACKRITZ. You say in the first paragraph of this letter "It occurred to me some of your friends up the line might be interested in these comments." Prior to this time had you sent any similar papers to Mr. Rebozo or had he solicited any similar papers?

Mr. DANNER. On this subject?

Mr. LACKRITZ. On any subject of issue.

Mr. DANNER. I sent, I don't know the dates, I sent him a memo on the atomic testing, but this was not in answer to any inquiry.

Mr. DAVIS. What position had Morgan taken about this?

Mr. DANNER. It was unconstitutional.

Mr. LENZNER. Do you know what Mr. Rebozo did with the material Mr. Morgan furnished you?

Mr. DANNER. No, I did not follow up that.

Mr. LENZNER. Did you hear from Mr. Rebozo what, if anything, he did with them?

Mr. DANNER. No, I don't think I ever did.

Mr. LENZNER. By the way, where were these letters physically when you discovered them, the letters identified by you today?

Mr. DANNER. Some of them came from the Frontier, some of them were unearthed at the Sands, after an exhaustive search.

Mr. LENZNER. They were physically in a file room somewhere?

Mr. DANNER. They were all over the place. There was no central filing. They went through file after file after file and dug these out.

Mr. LENZNER. They are not in a file with your name on them?

Mr. DANNER. No.

Mr. LENZNER. They were scattered throughout different subject matter files?

Mr. DANNER. That is right.

Mr. LACKRITZ. I would like to show you a copy of a letter dated May 14, 1971, which is part of exhibit 28 from this morning. It is from you to Mr. Rebozo. I would like you to read it to refresh your recollection.

Mr. DANNER. Yes. What do you want to know about this?

Mr. LACKRITZ. The letter dated May 14?

Mr. DANNER. Yes.

Mr. LACKRITZ. 1970.

Mr. DANNER. Rebozo sent me this column pertaining to the cash kidnaping case which occurred back in 1938 in which I had been very prominent for which I took a great deal of credit in those days and he was sending it to me needling me that the newspaper article disagreed with my version of the thing. It was just a joke.

Mr. FREEDMAN. You want to know what he did in 1938?

Mr. LENZNER. I don't think I asked that. In the letter of May 14, 1971, in the second to last paragraph, you write Mr. Rebozo that Jim Golden tells me you have not been feeling well. Was Mr. Golden in Las Vegas about that time?

Mr. DANNER. Yes; I think he had already come out there.

Mr. LENZNER. At that time he was working for the Hughes Tool Co.?

Mr. DANNER. I am not certain whether he had come aboard then or whether I happened to run into him. What is that date again?

Mr. LENZNER. May 14, 1971.

Mr. DANNER. I am not certain whether he was with the organization at that time or not.

Mr. LENZNER. Do you recall having any discussions with Mr. Golden on or about that date about the $100,000 that you had transferred to Mr. Rebozo?

Mr. DANNER. No.

Mr. LENZNER. Did Mr. Golden ever bring the subject up with you?

Mr. DANNER. Not until after my testimony.

Mr. LENZNER. Until after your testimony where?

Mr. DANNER. Before IRS.

Mr. LENZNER. In 1971?

Mr. DANNER. Yes, sir.

Mr. LENZNER. When was that occasion?

Mr. DANNER. May, I believe it was, 1972.

Mr. LENZNER. Why did Mr. Golden bring up this subject of the $100,000 contribution?

Mr. DANNER. I discussed the matter with him. I had been before IRS and detailed the contribution that had been made. I don't recall

having previously discussed it with Golden or that he had any knowledge of it.

Mr. LENZNER. And why did the subject arise with Mr. Golden?

Mr. DANNER. Well, I don't know of any particular reason other than it just came out during the discussion. He was quite friendly with Rebozo.

Mr. LENZNER. Did he indicate that he talked to Mr. Rebozo about the subject?

Mr. DANNER. I don't recall whether he got the information from Rebozo and was discussing it with me or vice versa.

Mr. LENZNER. Well, do you recall if anyone else was present during this discussion?

Mr. DANNER. No.

Mr. LENZNER. Where was the discussion, do you recall that?

Mr. DANNER. It was in Las Vegas. I don't know the exact location.

Mr. LENZNER. It came up in the course of a social conversation with Mr. Golden?

Mr. DANNER. As I recall, yes.

Mr. LENZNER. Did you ask Mr. Golden to do anything with respect to the information?

Mr. DANNER. No.

Mr. LENZNER. Did you ask him to contact Mr. Rebozo?

Mr. DANNER. No.

Mr. LENZNER. Did he indicate that he would contact Mr. Rebozo and convey this information to him?

Mr. DANNER. No.

Mr. LENZNER. Do you have any knowledge of whether or not Mr. Golden did in fact contact Mr. Rebozo——

Mr. DANNER. No.

Mr. LENZNER [continuing]. About this information?

Mr. DANNER. No.

Mr. LENZNER. Do you have any knowledge Mr. Golden, at the time you discussed this with him, had any knowledge of the contribution himself?

Mr. DANNER. No; I had no such knowledge of whether he did or not. It was not known to me.

Mr. LENZNER. When you explained this information to him how did he react?

Mr. DANNER. No particular reaction. The contribution had been the subject of a Jack Anderson column earlier in the year so it was not, I am sure, a surprise to him.

Mr. LENZNER. I believe it would have been later in the year. Earlier in the year, 1972?

Mr. DANNER. Yes, sir.

Mr. ARMSTRONG. Let me show you exhibit 29 of this morning's session. It includes a letter from Mr. Eugene McGrath to you dated January 7, 1972, and a response from you to Mr. McGrath on January 18, 1972.

Mr. DANNER. Yes.

Mr. ARMSTRONG. Referring first to the letter from Mr. McGrath to you, can you tell us, first of all, who the Congressman is, that makes reference to?

Let me read one sentence into the record.

Mr. DANNER. That refers to Mr. Nixon when he first came to Miami.

Mr. ARMSTRONG. Could you let me read that one sentence? First of all, the opening paragraph, "I know how fond you are of Panama and how much interest you have in helping me to do 'the right thing.'"

Second paragraph.

I remember all too well how you met "the Congressman" in Miami when he was dressed in a heavy winter suit in the middle of the Miami winter heat. You took him to buy clothes and held his hand during his most difficult days. I know how fine you are to Bebe and how much influence Bebe can have on that ex-Congressman.

Then the third paragraph says:

Therefore, I attach a copy of my letter of this date to Bebe as well as a copy of the transcript of the opening remarks of the Panamanian chief negotiator—U.S. Panama treaty talks.

Explain what the second paragraph makes reference to.

Mr. DANNER. He is referring to Mr. Nixon, when he came down to Miami on the first occasion, when he met Bebe Rebozo. He exaggerates the situation to some degree, which is understandable. By this time, of course, he knew Bebe's relationship with the President. And what he was seeking was some help for Panama during the treaty negotiations.

Mr. ARMSTRONG. This is the treaty that governed the Panama Canal Zone? Is that correct?

Mr. DANNER. That is right.

Mr. ARMSTRONG. The second paragraph seems to make some reference to some assistance you gave to President Nixon at an earlier date, when he was a Congressman. Can you tell us what that assistance was?

Mr. DANNER. He came down to Florida. He was tired, worn out, wanted to relax. I was living in Vero Beach. He stopped off there, visited with me. He was not dressed for Miami weather. He bought some summer clothes. I then took him on down to Miami to go fishing.

Bebe had a boat. We took him out on Bebe's boat, and that resulted in their friendship.

Mr. ARMSTRONG. And can you tell us what, if anything, came of Mr. McGrath's request to solicit your assistance in getting Mr. Rebozo together and, in turn, enlist the President's assistance in regard to the treaty?

Mr. DANNER. Nothing, to my knowledge. Nothing.

Mr. ARMSTRONG. I would like to show you in exhibit 30 of this morning's session a letter dated February 18 from Mr. McGrath to you and have you read the fourth paragraph in that letter.

Mr. DANNER [reading].

I assure you from the bottom of my heart that, due to his advisers, Nixon is steering a short course of auto-liquidation of virtually any influence that the United States might have had or might have in the future in connection with Latin America.

Mr. ARMSTRONG. I'm sorry. It's the fifth paragraph.

Mr. DANNER [reading].

I have lived to regret my agreeing to you to pay $2,200 to hire airplanes for Nixon in his first primary in New Hampshire in 1964. Perhaps if I had not done

so, someone else would have. I would like to believe so. I do not even regret that I have never had acknowledgement from him nor from anyone else for this favor, but I am convinced that Humphrey would have done immensely better as President of the United States.

Mr. SCHULTZ. Did he say 1964?

Mr. LACKRITZ. There must have been a mistake. We are trying to correct it.

Mr. DANNER. It's 1964.

Mr. ARMSTRONG. Do you understand that to make reference to 1968? Were you aware of any assistance provided in 1968?

Mr. DANNER. No; this says 1964.

Mr. LACKRITZ. I didn't realize President Nixon was running for President in 1964.

Mr. DANNER. Well, that's what he says. I don't know what he's referring to.

Mr. ARMSTRONG. Do you have any firsthand knowledge of assistance he provided to the Presidential campaign of 1968?

Mr. DANNER. I don't know. Not of 1968. I have no knowledge of anything that he did.

Mr. ARMSTRONG. Are you aware of any assistance that he gave to the Presidential campaign of 1972?

Mr. DANNER. No.

Mr. LACKRITZ. All right.

Now, Mr. Danner, I would like you to review exhibit 31 from this morning, which is a letter dated April 19, 1973, from yourself to Mr. Rebozo and a letter dated April 12, 1973, from Mr. Rebozo to you.

Would you just briefly review that?

Mr. DANNER. The first paragraph——

Mr. LACKRITZ. Well, just read the letter, and there are a couple of specific questions.

Mr. DANNER. "I wanted to thank you for your nice letter"——

Mr. LACKRITZ. Just read it off the record before we ask you any questions.

Mr. DANNER. Yes; well, I know what it says.

Mr. LENZNER. Go ahead and ask him the questions.

Mr. LACKRITZ. That indicates, does it not, Mr. Rebozo's visit to Las Vegas in April of 1973?

Mr. DANNER. Yes.

Mr. LACKRITZ. Do you recall when that visit was?

Mr. DANNER. It must have been close to this date.

Mr. LACKRITZ. It would have been, I take it from the date of Mr. Rebozo's letter to you and from your discussion of being out of debt, it would have been early April 1973?

Mr. DANNER. I would guess.

Mr. LACKRITZ. Now, there's no indication in the letter of any discussions concerning the return of the $100,000, is there?

Mr. DANNER. No.

Mr. LACKRITZ. Would that indicate to you, Mr. Danner, that that subject had not arisen by that point?

Mr. DANNER. Right. It had not arisen.

Mr. LACKRITZ. The subject had not arisen.

Now, when do you recall receiving the first call from Mr. Rebozo, or the first mention by Mr. Rebozo, of returning the money?

Mr. DANNER. That occurred here in Washington in May of 1973.

Mr. LACKRITZ. And you recall no prior telephonic contacts from Mr. Rebozo to you asking you to take the money back. Is that correct?

Mr. DANNER. That is correct.

Mr. FREEDMAN. Well, here let's get something straight.

You testified that you did get calls from Mr. Rebozo that he wanted to see you here in Washington?

Mr. DANNER. Yes; that is true.

Mr. FREEDMAN. He did not say what about?

Mr. DANNER. No.

Mr. FREEDMAN. OK.

Mr. LACKRITZ. Well, I think the record is clear on that. And I take it these telephone calls from Mr. Rebozo asking to see you here in Washington were subsequent to this letter of April 19, 1973?

Mr. DANNER. That is correct.

Mr. LACKRITZ. Fine.

What was the purpose of Mr. Rebozo's visit in April 1973?

Mr. DANNER. As I recall, he called me about 6 o'clock one evening, and he was down in southern California, and he wanted to come up and have dinner, see a show, had to go back early the next morning. He came up; we had dinner; we went to a show. We both fell asleep in the show, went back to the hotel, went to sleep. He got up in the morning and left. I didn't even get up to see him off.

Mr. LACKRITZ. Did you have any discussions with him on that occasion about the contributions you had provided him earlier?

Mr. DANNER. No.

Mr. LACKRITZ. None whatsoever?

Mr. DANNER. None whatsoever.

Mr. LENZNER. Now, this was 4 days subsequent to Mr. Rebozo's—I take it back. This is referring to a visit that he made before April 12, 1973. Is that correct?

Mr. DANNER. Yes. We figured it was early in April.

Mr. LENZNER. Do you have any recollection of any discussions he had with you with regard to the break-in of Watergate or any information he had received from President Nixon with regard to that subject?

Mr. DANNER. I don't recall any conversations on that subject, although, apparently, my references to statements made by the President were in reference to Watergate.

Mr. LENZNER. I take it you're referring there to public statements the President made on April 17?

Mr. DANNER. Yes.

Mr. LENZNER. I'm asking you if Mr. Rebozo furnished you on this occasion any information he had obtained from the President with regard to the Watergate break-in.

Mr. DANNER. No.

Mr. LENZNER. And he did not indicate to you on this occasion that he had retained the funds and had not furnished them to the 1972 campaign?

Mr. DANNER. He did not.

Mr. LACKRITZ. Now, there are some questions I think we would like to ask about the meeting in Washington on May 19, but prior to doing that, why don't we go into the questions about the details of the cash contributions that Jim wanted to ask?

Mr. MOORE. All right. Mr. Danner, I'll try not to repeat too much what you've gone over before. There will be a little bit of overlap there, but there are some specific questions that I hope will clear this up.

I would like first to turn to your recollection of the date of the Key Biscayne delivery which you now place in 1970.

Mr. DANNER. No.

Mr. FREEDMAN. He doesn't do that.

Mr. MOORE. All right. We'll start right there.

I would like to ask you if you now have a recollection of the date of the Key Biscayne delivery?

Mr. DANNER. No. I have no way of placing that date.

Mr. MOORE. Now, I take it from reading your testimony before us and elsewhere that in trying to place that date, you have placed some reliance upon your expense and travel records, consulting particularly your August 1969 and August 1970 records. Is that correct?

Mr. DANNER. That is correct.

Mr. MOORE. Is it correct that part of your basis, although you are not particularly terribly certain on it—part of your basis of thinking that it may have been during the August 19, 20 trip to Key Biscayne in 1970, that that delivery was made is based upon the fact that you do not have any records for August 1969 showing you in Key Biscayne?

Mr. DANNER. That is correct.

Mr. MOORE. In making that determination, looking at your two August records, did you also go through your travel records for months near to August 1969, the date you originally thought the delivery might have been?

Mr. DANNER. There were several trips to Miami during this period in 1969, but none of which I could place as the date I made the delivery. I've thought about this probably more than any other subject that has been discussed with me. I'm certain of the date July 3, 1970, at San Clemente. My recollection is that there was a lapse of time between the first contribution and the second, which causes me to believe that from July 3 to August 20 would not be much of a lapse of time. So that is why I am confused, and I have been able to find no record, no recollection as to when this occurred.

In reading testimony in the press from Mr. Maheu and Mr. Rebozo, it looks like none of us have been able to fix that date with any degree of certainty.

Mr. MOORE. Do you remember, Mr. Danner, taking a trip to Key Biscayne on September 11, 12, 1969; in other words, shortly after the August 1969 time frame?

Mr. DANNER. Yes, if that's what my travel account says are the dates, yes.

Mr. MOORE. Is there anything you can remember about that trip that may give you some indication that might have been a delivery, since you originally thought that August 1969 was the date?

Mr. DANNER. No. Is that the trip that Maheu accompanied me?

Mr. MOORE. That is the trip on which there was an indication Mr. Maheu was in Key Biscayne.

Mr. DANNER. My recollection of the reason for that trip was to contact Mr. Rebozo and discuss the dumping of the nerve gas. And I am

reasonably certain that no delivery of money was made on that date.

Mr. MOORE. Are you also certain today that Mr. Maheu was not present in Key Biscayne at the place and time of delivery to Mr. Rebozo with one of the contributions?

Mr. DANNER. When I first testified on that subject, without any reference to any records at all, because it was a cold interview, I stated that my recollection was that Maheu had been present. In a subsequent conversation with Bebe Rebozo, he was very emphatic in his recollection that he was not present. So I would have to believe that the had a better recollection than I did on that subject.

Mr. MOORE. So it was Mr. Rebozo's firm recollection that prompted your present belief that Mr. Maheu was not there?

Mr. DANNER. Yes.

Mr. ARMSTRONG. Just so the record is clear, when you said it was Mr. Rebozo's recollection that he was not present, by "he" you meant Mr. Maheu?

Mr. DANNER. Right.

Mr. MOORE. Do you remember, Mr. Danner, even though now you believe Mr. Maheu was not present at the moment of delivery, whether Mr. Maheu was in Key Biscayne or was in Florida with you during the trip on which that delivery was made?

Mr. DANNER. No. My recollection is that I made that trip by myself. Maheu did not accompany me.

Mr. LENZNER. Is that your own recollection, or are you basing that on your information you received from Mr. Rebozo?

Mr. DANNER. After talking to Mr. Rebozo, when he was so emphatic that Maheu was not present, I came to the conclusion that delivery was made on a separate occasion. I think it would have been pretty difficult for me to go down for that purpose and not have Maheu present, to exclude him from the meeting.

And I think there was the visit on the nerve gas, and then on some subsequent visit I made the delivery. But it has been impossible for me to pin it down.

Mr. LENZNER. Do you know if Mr. Maheu ever furnished funds to Mr. Rebozo?

Mr. DANNER. No. What funds?

Mr. LENZNER. Any funds. Cash contributions, either in your presence or not in your presence.

Mr. DANNER. Certainly not in my presence, and I know of no others.

Mr. LENZNER. Well, one other clarification before we go down the road too far, you say there was a lapse of time?

Mr. DANNER. Between the first and second.

Mr. LENZNER. The first and second delivery. And you referred to the July 3, 1972, delivery, which you are certain is the date of one of the deliveries, but you're not certain whether that's the first or second delivery? Isn't that true?

Mr. DANNER. That's true.

Mr. MOORE. You also state now, Mr. Danner, your recollection as to where the Key Biscayne delivery was made.

Mr. DANNER. My recollection is it was made at the Bank of Key Biscayne in Mr. Rebozo's office.

Mr. MOORE. You are certain that it was not made in Mr. Rebozo's residence in Key Biscayne?

Mr. DANNER. No; it was made in his office, because I recall his leaving the office, disappearing for a few minute, and coming back and saying that he had placed the money in a safety-deposit box that he used for that purpose.

Mr. MOORE. Did you—after delivery was made—did you and Mr. Rebozo go anywhere? Did you go out to eat or any other—take any other kind of a trip?

Mr. DANNER. I don't remember.

Mr. MOORE. You also, I know, have previously testified about what kind of condition the money was in, that is, how the money was wrapped. Was the money wrapped, to the best of your recollection, both the first and second delivery, in bank wrappers?

Mr. DANNER. My recollection was that the—either all of it did, or at least a portion, had the Valley Bank of Nevada wrappers on it.

Mr. MOORE. Now, to make sure, that is Mr. Thomas' bank? Is that correct?

Mr. DANNER. That is correct.

Mr. MOORE. To make sure that is correct, that at one time was called the Bank of Las Vegas? Is that correct? Do you know, Mr. Danner?

Mr. DANNER. I don't know.

Mr. MOORE. Your recollection is that——

Mr. DANNER. It has always been the Valley Bank since I have been out there.

Mr. MOORE. So the words "Valley Bank of Nevada" would have appeared on that wrapper, or on the wrappers.

Mr. DANNER. [Nods in the affirmative.]

Mr. MOORE. Do you recall whether the wrappers had any dates indicated on them?

Mr. DANNER. No; I didn't examine them that closely.

Mr. MOORE. Were there any bank wrappers that had any other bank notations on them?

Mr. DANNER. No; I didn't examine that closely. But I seem to recall seeing "The Valley Bank" on at least some of them.

Mr. MOORE. Did you ever receive cash for political contributions or for any other purposes from a Hughes lawyer in Las Vegas named Tom Bell?

Mr. DANNER. No.

Mr. MOORE. You never received any checks or any money in any form, cashiers checks, personal checks, cash, from Mr. Bell for political contributions?

Mr. DANNER. No.

Mr. MOORE. Did you, on each occasion, for each delivery, deliver the money shortly after you received it?

Mr. DANNER. Yes.

Mr. MOORE. So you never, yourself, stored the money any place, kept the money in your own quarters or safe-deposit box?

Mr. DANNER. Not as I recall, no; I never stored it. I may have put it in a box overnight. I don't recall. But it was delivered immediately, to the best of my recollection.

Mr. MOORE. Did you, yourself, ever withdraw cash from any of the casinos for political contributions?

Mr. DANNER. No, sir.

Mr. MOORE. During your visits to Key Biscayne during 1969 and 1970, did you ever see or meet with President Nixon in Key Biscayne?

Mr. DANNER. 1969?

Mr. MOORE. Yes, sir. We can go through the individual dates, if you want. There were several trips that you took to Key Biscayne.

Mr. DANNER. I recall having seen him down there; what period, I do not recall, or how many times. But I do recall having seen him down there, met with him, say hello, something of that sort.

Mr. MOORE. Do you recall whether President Nixon was in Key Biscayne or whether you met with President Nixon on the time at which the delivery was made in Key Biscayne, whenever that may be?

Mr. DANNER. No. No.

Mr. MOORE. You don't recall hearing that he was there?

Mr. DANNER. If he was there, I did not see nor hear from him.

Mr. MOORE. Do you know whether Mr. Maheu ever met with or saw the President when Mr. Maheu was with you in Key Biscayne in 1969 or 1970?

Mr. DANNER. No, sir.

Mr. MOORE. Did you ever see Mr. Mitchell in Key Biscayne during 1969 or 1970?

Mr. DANNER. I don't recall ever having seen him down there; no.

Mr. MOORE. Were you aware of whether Mr. Mitchell was in Key Biscayne the weekend of March 20–22, 1970, shortly after you and Mr. Mitchell had a meeting here in Washington?

Mr. DANNER. Was I aware of that?

Mr. MOORE. Yes, sir.

Mr. DANNER. No.

Mr. MOORE. Or whether he was there? I also want to, finally—and we can move on to something else—I'll try to clear up one other area. We realize it is a little bit difficult, but it would help us if you can jog your memory, and that is where you got the money, or from whom you got the money on each of the deliveries. You have given some indication that it might have come from Mr. Robert Maheu or from Peter Maheu, or some indication that it might have come out of the cage at the Frontier or one of them.

Mr. DANNER. My recollection is that one, perhaps the first one, had been in a lockbox in the Frontier cage. And it was obtained from that source. Whether I got it or Mr. Maheu got it or one of the secretaries got it, I don't recall. The second contribution, again, I don't recall whether it was Robert Maheu or his son, Peter Maheu, who delivered it to me, either in their office or my office. But I am reasonably certain that this is the way the two deliveries were made to me.

Mr. MOORE. OK. Do you have some? All right, go ahead.

Mr. ARMSTRONG. Mr. Danner, if I understand your testimony, you testified that your first recollection was that Mr. Maheu was with you when the delivery was made to Key Biscayne?

Mr. DANNER. Yes.

Mr. ARMSTRONG. And it was after talking to Mr. Rebozo and Mr. Rebozo saying he was quite sure that Mr. Maheu was not present when the money was passed, that you decided that your original recollection was wrong?

Mr. DANNER. Right.

Mr. ARMSTRONG. Now, isn't it true that there's not necessarily any inherent inconsistency in the two accounts, and that Mr. Maheu may have been on the trip with you but not present at the time of the delivery, that your first recollection——

Mr. DANNER. No. He could have been there.

Mr. ARMSTRONG. So he could have been in Key Biscayne at the same time?

Mr. DANNER. But my recollection was that I made that trip down by myself.

Mr. FREEDMAN. He also said today, not too long ago, that if Mr. Maheu was with him, it would have been very difficult to keep Mr. Maheu away when the delivery was made.

Mr. LENZNER. He did say that, and the record will so indicate it.

Mr. FREEDMAN. Yes; he did.

Mr. ARMSTRONG. Yes. But I just want to make it clear, you're not absolutely certain that Mr. Maheu was on the trip, but it was your original recollection that he was. Then Mr. Rebozo didn't point out that he wasn't on the trip but merely pointed out that he wasn't present when delivery was made, and that it was your later recollection that you made the trip alone.

Mr. DANNER. Well, as you can see from my testimony, if you read all of it, you can see the subject came up each time, and is belabored and belabored. But I cannot remember, but my best recollection is, at the moment, that I went down on that trip by myself and met with Bebe at the bank.

Mr. ARMSTRONG. Are you absolutely certain that there were were only two contributions, two deliveries of money to Mr. Rebozo?

Mr. FREEDMAN. By Mr. Danner?

Mr. ARMSTRONG. By Mr. Danner; by Mr. Danner, yes.

Mr. DANNER. Yes.

Mr. FREEDMAN. Just let me get this straight. Mr. Danner has testified he made two deliveries of $50,000 each. Is that what you're referring to?

Mr. ARMSTRONG. I'm asking if there could have been any more than two.

Mr. FREEDMAN. By whom?

Mr. ARMSTRONG. By Mr. Danner.

Mr. DANNER. The answer is "No."

Mr. ARMSTRONG. Are you certain there were only two contributions, period? Could anyone else have made a contribution?

Mr. DANNER. I know of no others.

Mr. MOORE. One final question, and I'll be finished with Mr. Danner, which is: There is now no way you can certainly state—or is there a way you can certainly state, dates aside, where the first delivery was made and where the second delivery was made?

Mr. DANNER. I can state where the second delivery was made. Well, not the second; but I can state that the delivery was made in San Clemente on July 3. I am certain of that date, of 1970. As to the other date, I'm not certain.

Mr. MOORE. You can say only that the other delivery was made in Key Biscayne. But which comes first, Key Biscayne or San Clemente, you cannot presently recall?

Mr. DANNER. That is correct.

Mr. MOORE. OK.

Mr. LACKRITZ. All right. Mr. Danner, I would like to call your attention to the time period of May 1973. You've testified previously that at that time you received telephone calls from Mr. Rebozo asking you to come to Washington, D.C. And we previously discussed, in general terms, what you discussed with him on that occasion.

Oh, I'm sorry. Terry, did you want to ask a question?

Mr. LENZNER. Go ahead and finish.

Mr. LACKRITZ. All right. Now, when you came to Washington, your diary indicates you had breakfast with Mr. Rebozo on May 18, 1973. Do you recall where the breakfast was?

Mr. DANNER. I believe it was in my room at the Madison Hotel.

Mr. LACKRITZ. And is that the first occasion when Mr. Rebozo asked you to take the money back that you provided him?

Mr. DANNER. Yes.

Mr. LACKRITZ. All right. What did Mr. Rebozo say to you, and what did you say to him?

Mr. DANNER. He told me that the money had never been used and had been in his custody, control, and possession since the date of the delivery, and that since it had not been used he wanted to give it back.

Mr. LACKRITZ. All right. Did Mr. Rebozo indicate to you that he had sought any advice concerning whether or not he should return the money?

Mr. DANNER. Not at that point; no.

Mr. LACKRITZ. Did he indicate to you he had discussed the matter with the President, and the President had so advised him to return the money?

Mr. DANNER. No.

Mr. LACKRITZ. Did he mention to you that he had discussed the matter with Mr. Herbert Kalmbach?

Mr. DANNER. No, sir.

Mr. LACKRITZ. Did you have any knowledge at that time of whether or not, in fact, Mr. Rebozo had discussed this matter with Mr. Herbert Kalmbach?

Mr. DANNER. No. It came as a shock to me. It's the first I had heard of it. There was no discussion as to with whom he may have discussed this prior to telling me about it.

Mr. LACKRITZ. Did he indicate to you that he had discussed the matter with Mr. William Griffin?

Mr. DANNER. No.

Mr. LACKRITZ. Or with any attorneys in the White House?

Mr. DANNER. No, sir.

Mr. LACKRITZ. Or with any other officials in the White House?

Mr. DANNER. No.

Mr. LACKRITZ. Did he indicate to you at that time if he had discussed this with the President?

Mr. DANNER. No; he did not.

Mr. LACKRITZ. Did he indicate to you at that time that he had discussed the question of obtaining the legal expenses for Mr. Haldeman or Mr. Ehrlichman with anyone at that point?

Mr. DANNER. No, sir.

Mr. LACKRITZ. So the conversation at breakfast on May 18 was solely limited to Mr. Rebozo asking you to take this money back?

Mr. DANNER. That is true.

Mr. LACKRITZ. And what was your response?

Mr. DANNER. That I wouldn't or couldn't participate in that. It was not my money; I was not Mr. Hughes' representative. It was his money and he would have to—he, Bebe Rebozo, would have to make the arrangements through some other source. And he kept insisting that I should handle it, and I was equally insistent that I should handle it not. And that is how the subject wound up.

Mr. LACKRITZ. You say he kept insisting, and you are referring solely to this breakfast on May 18, 1973?

Mr. DANNER. Right.

Mr. LACKRITZ. About how long was the meeting with Mr. Rebozo?

Mr. DANNER. Probably 2 hours, 2½ hours.

Mr. LACKRITZ. And at this time, did you discuss this subject with anyone else outside of investigative authorities and your counsel, in terms of whether or not you should take this money back?

Mr. DANNER. No; this was there in the room.

Mr. ARMSTRONG. At that or at any other time, did Mr. Rebozo—did you ever discuss with Mr. Rebozo whether or not Mr. Hughes would be willing to consider this a gift rather than a contribution?

Mr. DANNER. No; I refused to have anything to do with it. I told him if I were in his place I would see a lawyer.

Mr. ARMSTRONG. Well, did he ever raise that subject?

Mr. DANNER. No.

Mr. ARMSTRONG. And you never had any discussion with him on that point, as to whether it would be a gift as opposed to a contribution?

Mr. DANNER. No, sir.

Mr. ARMSTRONG. Did you ever have a discussion with anyone else on that subject?

Mr. DANNER. No, sir.

Mr. ARMSTRONG. As to whether it was a gift or a contribution?

Mr. DANNER. I have no authority to make a statement like that.

Mr. ARMSTRONG. Are you aware of anyone else, any other representative of Mr. Hughes' having reportedly made the statement that it could be considered a gift, as opposed to a contribution?

Mr. DANNER. No, sir.

Mr. LACKRITZ. All right. Did Mr. Rebozo on this occasion indicate to you that this money had ever been used for any other purposes, or any purposes, or given to any individuals?

Mr. DANNER. No.

Mr. LACKRITZ. Did he specifically indicate to you that the money had not been used for any other purposes?

Mr. DANNER. It had been in his possession and control since the date of delivery, and it was intact.

Mr. LACKRITZ. Did he indicate to you that he had taken the bank wrappers off the money at that point in time?

Mr. DANNER. I am not certain whether he told me that he had removed the wrappers and put rubberbands on or whether I read about that in the papers.

Mr. LACKRITZ. You're not certain about that one way or the other?

Mr. DANNER. No.

Mr. LACKRITZ. All right. Now, following your meeting with Mr. Danner on May 18——

Mr. DANNER. Mr. who?

Mr. LACKRITZ. Excuse me. Following your meeting with Mr. Rebozo on May 18, did you advise anyone of what Mr. Rebozo had just informed you of?

Mr. DANNER. Not immediately.

Mr. LACKRITZ. When did you first advise anyone of what Mr. Rebozo asked you?

Mr. DANNER. After we had concluded the discussion of this, I dropped the matter, and I had no further discussions with anyone outside. He continued to call me and—asking my help—and when it finally got down to where he was with Mr. Gemmill, the attorney in Philadelphia, I finally volunteered to call Chester Davis to seek his advice. I did call Mr. Davis. He did say that he would be happy to discuss the matter with him. I did call back and tell him.

Mr. LACKRITZ. Fine. This is a little bit further down the road?

Mr. DANNER. Yes.

Mr. FREEDMAN. Wait a minute. What do you mean, a little further down the road?

Mr. LACKRITZ. This is in June of 1973, was it not?

Mr. DANNER. Yes.

Mr. LACKRITZ. That's what I meant by a little further down the road.

Mr. FREEDMAN. Well, the first conversation in the Madison was in May with Mr. Rebozo. And Mr. Danner said Mr. Rebozo kept calling him. Finally, in June, from Mr. Gemmill's office, Mr. Rebozo called him.

Mr. LENZNER. I think all Mr. Lackritz is suggesting is that we will get to that conversation. He's dealing now just with May. We're not going to get the conversation.

Mr. LACKRITZ. Un-uh.

Mr. LENZNER. I withdraw my comment.

Mr. LACKRITZ. Did you meet with Mr. Rebozo later on in the afternoon of May 18?

Mr. DANNER. Was that the date we had the meeting at the hotel?

Mr. LACKRITZ. Yes.

Mr. DANNER. Yes; we went to lunch together.

Mr. LACKRITZ. Who was present at lunch?

Mr. DANNER. Mr. and Mrs. Robert Abplanalp.

Mr. FREEDMAN. He went through all of this in great detail.

Mr. LACKRITZ. Well, I understand that, Mr. Freedman.

Mr. FREEDMAN. Well I mean that. I don't see why this witness at this late hour ought to have to go through exactly the same thing he testified to 6 months ago. I think it is an outrage. Go ahead. Ask the questions, and I'm going to tell him whether or not he should answer, on the grounds that it's repetitious.

Mr. LENZNER. Go ahead and ask the questions.

Mr. LACKRITZ. Are you through?

Mr. FREEDMAN. Go ahead and ask the question.

Mr. LACKRITZ. In that day's lunch with Mr. and Mrs. Abplanalp and Mr. Rebozo, was anyone else present?

Mr. DANNER. No.

Mr. LACKRITZ. And this lunch you're describing was the occasion when you flew up?

Mr. DANNER. Yes. That is true.

Mr. LACKRITZ. And is it still your testimony that there was no discussion at that time of returning the money during this lunch or trip, throughout it, and back?

Mr. DANNER. That is true.

Mr. LACKRITZ. When you met with Mr. Rebozo on the morning of May 18, was there any discussion then about the political situation in terms of the mood of the country or the reaction of the country to developments in the Watergate case?

Mr. DANNER. I don't recall anything specific. I am sure there was. Things were getting—the situation was getting pretty hot then, and I recall we did discuss it.

Mr. LACKRITZ. Did you discuss with Mr. Rebozo the mood of the people on the west coast or the tenor of the political climate in terms of the support for the President?

Mr. DANNER. I recall I said I didn't think the impact had reached the west coast nearly as hard as it had on the east coast.

Mr. LACKRITZ. At that time, did Mr. Rebozo suggest that you meet with President Nixon?

Mr. DANNER. No.

Mr. LACKRITZ. When did Mr. Rebozo first suggest to you that you might meet with President Nixon?

Mr. DANNER. He called me Saturday afternoon and asked me if I would cancel my reservations for return on Sunday and come up to Camp David.

Mr. FREEDMAN. Excuse me. Could we get that date?

Mr. LACKRITZ. Saturday, May 19, 1973. Now, the reason I'm going back into this particular meeting, Mr. Danner and Mr. Freedman, is because there was some conflict based on White House press statements and based on other testimony the committee has received concerning how long your meeting was with President Nixon on the 20th.

Your prior testimony—and I do not have a page reference right now, Mr. Freedman, I will be happy to take a short recess and I can find it for you—was that the meeting with Mr. Nixon was approximately 2 hours long, and you recall walking around the grounds with him at Camp David in a misting rain. Is that still basically your recollection about the length of the meeting?

Mr. DANNER. He came over to the cottage where Bebe was staying. We talked there for some time. I could not give the exact amount of time. Then we went for a walk. We walked down a circuitous road out to the helicopter pad and back, down the road, back, and he dropped off at his headquarters or whatever you call it. And Bebe and I left and I didn't see him any further after that. Now, 2 hours, an hour and a half; I could not be that certain.

Mr. LACKRITZ. But it was certainly more than a 5-minute meeting?

Mr. DANNER. Yes.

Mr. LACKRITZ. All right. Now, when you came out to Camp David, did you come out in a car that Mr. Rebozo ordered for you?

Mr. DANNER. Yes.

Mr. LACKRITZ. And when you arrived at Camp David and left that car, where did you go first?

Mr. DANNER. To the cottage that Bebe was staying in.

Mr. LACKRITZ. Do you recall which cottage he was staying in?

Mr. DANNER. No.

Mr. LACKRITZ. Did you have any discussion with Mr. Rebozo prior to the President arriving at Mr. Rebozo's cabin?

Mr. DANNER. No. You mean—concerning what?

Mr. LACKRITZ. Just any discussion with Mr. Rebozo.

Mr. DANNER. Well, we sat there and visited and talked—had a bloody mary.

Mr. LACKRITZ. Do you recall, was the bloody mary brought in by a servant of the President or anyone out there, Mr. Sanchez? Do you recall?

Mr. DANNER. I don't recall. He had one sent over or called someone, or maybe they were around. I don't remember.

Mr. LACKRITZ. Did you discuss the return of the money on that occasion with Mr. Rebozo?

Mr. DANNER. The subject may have been brought up again. I do not recall that it was. I think most of the conversation had to do with talking to the President and admonition not to bring up any new subjects, let him do the talking and ask the questions and so on, which is normal.

Mr. FREEDMAN. That was before the President came down?

Mr. DANNER. Yes.

Mr. LACKRITZ. How long did you meet with Mr. Rebozo prior to the President's arrival?

Mr. DANNER. We were probably there a half hour or 45 minutes.

Mr. LACKRITZ. And was anybody else present during this time?

Mr. DANNER. No. I don't recall. Now, the servant may have been up there, and if it's the one I'm thinking of, we may have talked to him.

Mr. LENZNER. You didn't see Miss Woods or General Haig or anybody like that at that time?

Mr. DANNER. No.

Mr. LACKRITZ. Now, on this occasion on May 20, 1973, did Mr. Rebozo indicate to you that he had discussed this matter with anyone else in terms of getting advice to return the money?

Mr. DANNER. No.

Mr. LACKRITZ. At this time, did he indicate to you he had discussed the matter with Herbert Kalmbach?

Mr. DANNER. No.

Mr. LACKRITZ. All right. Could you describe what the President said to you and what you said to the President after the President came into the room?

Mr. DANNER. He visited for a few minutes, asked me how I was getting along, the usual introductions. Then he began talking about Watergate. He assured me he was not guilty of anything nor of those things of which he was being accused, that this matter would clear up, and he would be vindicated, and that he wanted to know if I had any feel of the reaction in my section of the country.

He did most of the talking. I told him from what I had heard around our hotel, where you get, of course, people, but not only from the California area and Arizona, that there didn't seem to be any great uproar over it. I mean, what little I knew about it at that stage. I remember saying it could be a tempest in a teapot.

Mr. DAVIS. It depends on who's brewing the tea, I guess.

Mr. DANNER. And it wasn't any—there was no great tirade, no great vehement speeches; it was just a general discussion of how the thing had come about and what would be the best thing to do to weather the storm.

Mr. LACKRITZ. How long was this discussion in Mr. Rebozo's cabin?

Mr. DANNER. It probably lasted—well, I have no way of knowing. It was not a lengthy conversation. Perhaps 30 minutes.

Mr. LACKRITZ. Was there any mention at the time of the $100,000 contribution?

Mr. DANNER. No, sir.

Mr. LACKRITZ. Did President Nixon ask you to take back the money?

Mr. DANNER. No.

Mr. LACKRITZ. Did Mr. Rebozo bring up the subject during the meeting?

Mr. DANNER. No, sir, it was never mentioned.

Mr. LACKRITZ. So it was never mentioned by any of the participants of this meeting about the $100,000 contribution?

Mr. DANNER. No.

Mr. LACKRITZ. And if there would have been any mention of it, I take it that this would be something that you would remember?

Mr. DANNER. I am sure I would.

Mr. LACKRITZ. OK. Following your discussion in the cabin, you took a walk with the President and Mr. Rebozo?

Mr. DANNER. Right.

Mr. LACKRITZ. What was discussed during the walk?

Mr. DANNER. It was a continuation of the conversation we had in the cabin, and it varied—he showed me the helicopter pad and what they were doing in the way of improving the grounds and a few things like that; pointed out some of the buildings they were fixing up; what a wonderful retreat it was. And I recall when he left, he told Bebe to take me down and show me where the conference room was being set up where he was going to meet with Brezhnev—the Russian delegation was soon to come over. We walked up around; he showed me a few of the places and we had lunch, and we walked back up and I left.

Mr. LACKRITZ. All right, during the time that you were walking around the grounds with President Nixon and Mr. Rebozo did the subject of the $100,000 contribution come up then?

Mr. DANNER. At no time in the presence of the President did that subject ever arise.

Mr. LENZNER. Were you accompanied by Secret Service agents during any of that time?

Mr. DANNER. No.

Mr. LENZNER. Did the President discuss with you the public statement he was about to make to the country on Watergate?

Mr. DANNER. No; I don't recall.

Mr. LENZNER. Did he indicate that he was going to make a public statement?

Mr. DANNER. I don't recall.

Mr. LENZNER. You do not recall him telling you on May 20 that in 2 days he was going to make a public statement to the country on the question of Watergate?

Mr. DANNER. If he mentioned it, I don't recall it.

Mr. LENZNER. Did he ask you for any advice for a public statement that he was about to make?

Mr. DANNER. No.

Mr. LENZNER. Now, as I understand it, you arrived early in the morning and you saw Mr. Rebozo, and the President joined you and you took a walk, and then the President departed and what did you do? Did you leave Camp David at that time?

Mr. FREEDMAN. In the first place, he didn't say early in the morning—that he got there early in the morning.

Mr. DANNER. I said that after he left us, he told Bebe to take us down to this hall, or to this building. I believe he took us through there—the President took us through there.

Mr. LENZNER. Through the building?

Mr. DANNER. Through the lobby, and then he said, "Bebe, take Danner down there and show him the conference room we have set up for the meeting with the Russians." And we went down and looked at that, and then went over and had lunch in the mess. And I left shortly after that.

Mr. LENZNER. Did you eat with Mr. Rebozo or anybody else?

Mr. DANNER. Just the two of us.

Mr. LENZNER. Did you see or talk to anybody during the lunch besides Mr. Rebozo?

Mr. DANNER. No.

Mr. LENZNER. And do you know what time you departed Camp David?

Mr. DANNER. No; I don't recall the time. I'm trying to place the time I got back to the hotel. I think it was midafternoon—4 p.m., something like that.

Mr. LENZNER. How about the time you arrived at Camp David?

Mr. DANNER. It was before noon, but I don't know the exact time.

Mr. LENZNER. And one other question that is not clear on the record. Did you say that you did or did not discuss with Mr. Rebozo, prior to the President's arrival, the issue of the $100,000?

Mr. DANNER. We may have, and he may have asked me then to help him out on that or figure a way out to get the money back to Mr. Hughes. But I don't recall any definite conversation. I think most of it had to do with how to conduct myself in the presence of the President.

Mr. LENZNER. Did Mr. Rebozo indicate any specific subject matters that you should not discuss in the presence of the President?

Mr. DANNER. No; I don't recall any.

Mr. LENZNER. Did you, after the President departed, when you walked and had lunch with Mr. Rebozo, did the subject of the $100,000 come up again with Mr. Rebozo?

Mr. DAVIS. I object to the word "again"—but otherwise, if it came up at all.

Mr. DANNER. I don't recall any specific discussions, although that seemed to be very paramount in his mind. He may have mentioned it again during the luncheon.

Mr. LENZNER. Thank you.

Mr. FREEDMAN. Are we finished?

Mr. LACKRITZ. Mr. Danner, just so I understand it from your detailed testimony of the walk around the grounds and your discussion with President Nixon, you are fairly certain that the meeting was between 1½ and 2 hours long? Or at least a substantial meeting; it was not merely a 5-minute meeting with the President?

Mr. DANNER. Oh, no; no, no.

Mr. LACKRITZ. And you are fairly sure that it was a relatively long meeting of duration, approximately, that you have described?

Mr. DANNER. Well, it's however long it took us to sit there and talk for 20 or 30 minutes and then take this long walk around the grounds—and we walked a considerable distance, as I recall—and then came to this one building that they had remodeled. It was sort of an office building, as I recall. So it could have taken 2 hours; it could have taken less. I don't remember the exact time. Just to pick a figure out of the air, I'd say it was closer to 2 hours.

Mr. LENZNER. While they are conferring, Mr. Danner, with your permission let me ask you one question. You said that you advised Mr. Rebozo to see a lawyer or talk to a lawyer when you first learned from him that he had obtained the funds. Do you recall what Mr. Rebozo's response was to that suggestion?

Mr. DANNER. He didn't respond to it.

Mr. LENZNER. And it's clear, then, in your recollection, that he did not indicate to you that he had previously consulted with counsel on that subject?

Mr. DANNER. No; if he had, he didn't tell me.

Mr. LENZNER. That's my point; he did not say that he discussed this with Mr. Griffin, Mr. Wakefield, Mr. Gemmill, or Mr. Kalmbach?

Mr. DANNER. No.

Mr. LENZNER. Do you want to take a break now, or——

Mr. DANNER. Let's finish. Are we close?

Mr. LENZNER. You said that you had spoken with Mr. Rebozo with regard to the presence of Mr. Maheu in Key Biscayne at the time of delivery. Well, when did you speak with Mr. Rebozo?

Mr. DANNER. I think that was in the summer of 1972. After I had been interviewed by the IRS agents on the first occasion, I seem to recall then also going down to see him, talking with him.

Mr. LENZNER. "Him" being Mr. Rebozo?

Mr. DANNER. Yes.

Mr. LENZNER. And did you talk with him telephonically and advise him that you had been interviewed by the IRS; is that the idea?

Mr. DANNER. Yes; he knew I'd been interviewed. They told him. I think the way it is, they told him that I had been interviewed, that they had interviewed me and that they now wanted to talk to him.

Mr. LENZNER. And this was after you were interviewed in May, and you think it was before the election in 1972, sometime in the summer of 1972?

Mr. DANNER. Uh-huh.

Mr. LENZNER. Well, don't say "uh-huh."

Mr. DANNER. My recollection is I was interviewed in May on a tape, and they transcribed it and brought it back. It was July, the following year.

Mr. LENZNER. Right, but between after you were interviewed in May of 1972—I think it was in Texas—and before the President's election, or reelection, you talked with Mr. Rebozo that summer of 1972?

Mr. DANNER. Yes; it would have been along that time, following the interviews.

Mr. LENZNER. And Mr. Rebozo indicated to you at that time that he had been advised that he had been interviewed and had furnished information that you had given him money?

Mr. DANNER. Right.

Mr. LENZNER. And was it at that time—and then you talked on the telephone, and then did he request that you come to Florida to discuss that matter further?

Mr. DANNER. No.

Mr. LENZNER. But you did talk with him further about that matter in Florida; is that your testimony? I think that Maheu said you talked about that with him in Florida.

Mr. DANNER. About having been interviewed?

Mr. LENZNER. About the whole subject matter of the $100,000 and whether Mr. Maheu was present or not.

Mr. DANNER. This conversation I recall was on the phone, where I was telling him my difficulty in establishing a time zone. I mentioned the fact that Maheu was with me, and he said, "no; definitely, Maheu was not present."

Mr. LENZNER. And that was on the telephone?

Mr. DANNER. It is my recollection that it was.

Mr. LENZNER. And did you call him on that occasion or did he call you?

Mr. DANNER. I don't remember.

Mr. LENZNER. Did anybody ask you to call him with regard to that?

Mr. DANNER. No.

Mr. LENZNER. Did you have a later discussion with Mr. Rebozo with regard to whether Mr. Maheu was present or not?

Mr. DANNER. I don't recall; I don't recall any further discussion of the matter, because when he was so certain, so emphatic, I assumed he would have a better recollection on that subject than I do.

Mr. LENZNER. And why do you assume that, sir?

Mr. DANNER. Because he, Maheu—or Rebozo—was not too trusting to Maheu, and I think he probably would have insisted that he not be present.

Mr. LENZNER. And I take it the subject came up in the context of your describing what you had testified to the IRS, and at that point Mr. Rebozo said, it is not my recollection—basically, it is not my recollection that Maheu was with you at the time?

Mr. DANNER. No; he was more emphatic. He said, "No, Maheu was not present."

Mr. LENZNER. All right. Why don't we take a break, then?

Mr. LACKRITZ. Until 10 tomorrow morning?

Mr. DAVIS. Fine.

Mr. LENZNER. Thank you, gentlemen.

[Whereupon, at 7:15 p.m., the hearing in the above-entitled matter recessed.]

DANNER EXHIBIT NO. 16

CHESTER C. DAVIS
ONE STATE STREET PLAZA
NEW YORK, NEW YORK 10004

(212) 425-0500

March 20, 1974

The Honorable Sam J. Ervin, Jr.
Chairman, United States Senate Select
Committee on Presidential Campaign Activities
Washington, D.C. 20510

Dear Senator Ervin:

I am writing in reply to a letter over your signature dated March 11, 1974 and a letter of February 22, 1974 from Mr. Marc Lackritz of the Committee staff. These letters request that three of my clients provide additional testimony and documents to the staff of the Committee.

It is our continuing desire to cooperate with your Committee and staff, notwithstanding the serious differences which have existed and which may still exist as to certain legal questions which require judicial determination. Unfortunately, the requests contained in the above letters raise additional serious questions which, at a minimum, ought to be heard and determined by the Committee before further burdens are imposed on my clients. These questions become apparent when the requests contained in the above letters are viewed in light of the special circumstances which exist in this situation and the prior proceedings involving my clients and your Committee.

First, your letter of March 11, 1974, states that "some material has come to my attention on which we would like to further question Mr. Danner." As you know, Mr. Danner was examined under oath at considerable length by the Committee on December 12, 18, 19 and 20, 1973. Prior thereto, Mr. Danner had been interrogated at length by Messrs. Lenzner and Armstrong of the Committee staff on August 30, 1973. The subjects concerning which Mr. Danner has been examined by your Committee have also been covered in extensive interrogation by other departments and agencies of the government. As you may know, Mr. Danner has been examined under oath on two separate occasions by the Securities and Exchange Commission (August 4 and October 15, 1973), once by a federal grand jury (November 20, 1973), and twice by the Internal Revenue Service (May 15, 1972 and July 5, 1973). The Internal Revenue Service has also subpoenaed voluminous records of Summa Corporation relating to travel by Mr. Danner.

Your letter also refers to a desire to examine Mr. Ralph Winte. As you know, Mr. Winte was interrogated at length by Messrs. Lenzner and Armstrong of your Committee's staff on two separate occasions (August 28 and 30, 1973). Mr. Winte has also been interrogated twice by the Federal Bureau of Investigation (July 12 and August 14, 1973).

Third, Mr. Lackritz' letter of February 22, 1974 requests the production of a number of documents which were

identified and described in Ms. Nadine Henley's testimony before your Committee on January 22, 1974.

It is beyond dispute that your Committee has examined my clients and obtained the totality in great detail of the information available to them which relates in any way, however remotely, to the matters which the Committee is authorized to investigate. Nor is there any doubt that other departments and agencies of the government with prosecutorial and judicial or quasi-judicial responsibilities are pursuing with my clients many of the same matters as your Committee. Unquestionably, your staff and the staffs of these other governmental agencies are covering repeatedly the same areas, seeking the same information from my clients and are obviously using information obtained in one inquiry for re-questioning the same individuals as to the same facts and occurrences. This has become extremely unfair and burdensome particularly when transcript of this inquisitional process is not available to my clients.

This situation raises two serious questions. First, the fact that the Committee is requesting further testimony and documents from witnesses who have already provided all available relevant information strongly suggests that the staff is exceeding its legislative authority and usurping the judicial function of resolving conflicts in the evidence and appears

to be interested in adjudicating questions of guilt or innocence rather than merely finding out what occurred which is germane to the legislative inquiry. Second, the fact that the staff appears to be duplicating the functions of other branches of the government indicates that my clients are being subjected to the unfair and impermissible burden of parallel proceedings. I shall address these two questions in sequence below.

Usurpation of the
Judicial Function

The Committee's enabling resolution authorizes an "investigation and study of the extent, if any, to which illegal, improper or unethical activities were engaged in *** in the Presidential election of 1972 *** to determine *** the necessity or desirability of the enactment of new congressional legislation to safeguard the electoral process by which the President of the United States is chosen." (S. Res. 60, 93d Cong. 2d Sess. (1973)). Resolution of conflicts in the evidence and the adjudication of guilt or innocence are no part of the Committee's legislative mandate. Nonetheless, requests for successive interrogations and the production of cumulative documentary evidence, such as those contained in the letters referred to above, suggest that the staff is engaged in just those functions, thereby exceeding the Committee's legislative authority and trespassing on

duties and functions vested exclusively in other branches of government.

I am supported in this view by the decision of the Supreme Court in Kilbourn v. Thompson, 103 U.S. 168 (1880), where the Court held that the Congress has no power to enforce subpoenas in support of an inquiry that is "in its nature clearly judicial" rather than legislative. (103 U.S. at 192). In so holding, the Court observed that:

> It is believed to be one of the chief merits of the American system of written constitutional law, that all the powers entrusted to governments, whether state or national, are divided into the three grand departments of the executive, the legislative and the judicial. That the functions appropriate to each of these branches of government shall be vested in a separate body of public servants, and that the perfection of the system requires that the lines which separate and divide these departments shall be broadly and clearly defined. It is also essential to the successful working of this system, that the persons entrusted with power in any one of these branches shall not be permitted to encroach upon the powers confided to the others, but that each shall by the law of its creation be limited to the exercise of the powers appropriate to its own department and no other. [103 U.S. at 190-191]

The type of inquiry now being pursued by the staff seems to me to transgress the line separating legislative inquiry from the prosecutorial and judicial. The Supreme Court has never departed from the principle that the lines of division between legislative and judicial inquiries must be

respected and has emphasized that:

> No inquiry is an end in itself; it must be related to, and in furtherance of, a legitimate task of the Congress. Investigations conducted solely for the personal aggrandizement of the investigators or to "punish" those investigated are indefensible. [Watkins v. United States, 354 U.S. 178, 187 (1957)].

Parallel Proceedings

There are certain agencies of the government which are authorized to conduct both investigative and accusatory proceedings. Mr. Justice Frankfurter defined the distinction between these two kinds of proceedings as the difference between proceedings designed "to gather information as a solid foundation for legislative action" and those "which are preliminaries to official judgments on individuals". Hannah v. Larche, 363 U.S. 420, 489 (Frankfurter, J., concurring). It is fundamental that an individual may not be subjected to both types of proceedings simultaneously. United States v. Parrott, 248 F.Supp. 196 (D. D.C. 1965). Nor may an investigative or fact-gathering proceeding be used as a guide for engaging in a prosecutorial or judicial function. Id.

Thus, even if it were assumed arguendo that the staff is acting within its authority in exercising a prosecutorial and judicial function, the fact remains that my clients may not fairly be subjected to such proceedings in the guise of a legislative fact-gathering investigation. Nor may such proceedings

be continued in tandem with parallel proceedings being conducted by other branches of the government which are exercising the prosecutorial or quasi-judicial functions entrusted to them. Nor, of course, may the committee engage in proceedings designed to be the basis for "official pronouncements on individuals" without affording all such individuals all of the procedural rights traditionally required at a trial. Hannah v. Larche, supra, at 363 U.S. 489; Jenkins v. McKeithen, 395 U.S. 411 1969.

The burden of such parallel proceedings on my clients is aggravated by the fact that many of the issues with respect to which their testimony is sought are also the subject of litigation now being conducted in federal courts in California and Utah. The heart of the matter is that there is a limit beyond which further requests for information serve no legitimate legislative purpose and become, at best, "a fruitless investigation into the personal affairs of individuals", Kilbourn v. Thompson, supra, 103 U.S. at 195, or, at worst, an effort to punish the witnesses or aggrandize the investigators, Watkins v. United States, supra. We submit that this limit has been reached when all relevant information has been furnished to a legislative committee and further inquiry either exceeds legislative powers, or unfairly duplicates the exercise of the powers of coordinate branches, or both.

Relief Requested

Accordingly, to assist me in determining whether the further burdens sought to be imposed on my clients are being required pursuant to a valid exercise of the Committee's legislative powers, I would appreciate the Committee's view as to the kind of additional information which is now being sought and which has not been previously furnished, together with an understandable explanation as to why the additional information sought from my clients is necessary to the discharge of the Committee's legislative functions.

I would also appreciate the Committee's advice as to the nature of the proceedings in which further evidence is to be taken. Although I understand that formal public hearings before the full Committee have been terminated, it is not clear whether further appearances of my clients before informal sessions of the Committee will be open to such members of the public as may wish to attend. In the event that it is contemplated that further sessions be conducted in secret, I would appreciate prior notice of such specific determinations as have been made pursuant to 2 U.S.C. § 190a-1(b) as the basis for such secret sessions.

Finally, I would like to renew the request contained in my letter of February 11, 1974 for copies of transcripts of testimony given by my clients in secret sessions of the Committee.

While I appreciate the offer contained in your March 11, 1974 letter to make available a copy of Mr. Danner's testimony on a temporary basis, this arrangement would be inadequate protection for my clients for at least two reasons. First, it is no longer open to doubt that witnesses who give testimony at supposedly secret sessions of the Committee will most likely be confronted with incomplete and inaccurate press accounts of their testimony based on leaks from the Committee staff. In view of this unfortunate fact, I think it imperative that a witness have the protection of a transcript of his testimony. Second, since it appears likely that other committees and departments and agencies of the government may have access to transcripts of testimony given in secret sessions of the Committee, fairness requires that witnesses be given transcripts of such testimony for use in preparation for further appearances in connection with other investigations.

I am sending a copy of this letter to the other members of the Committee for their information and appropriate action.

Very truly yours,

/s/

Chester C. Davis

CCD:sd

DANNER EXHIBIT NO. 17

SAM J. ERVIN, JR., N.C., CHAIRMAN
HOWARD H. BAKER, JR., TENN., VICE CHAIRMAN
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JOSEPH M. MONTOYA, N. MEX
SAMUEL DASH
CHIEF COUNSEL AND STAFF DIRECTOR
FRED D. THOMPSON
MINORITY COUNSEL
RUFUS L. EDMISTEN
DEPUTY COUNSEL

United States Senate
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
(PURSUANT TO S. RES. 60, 93D CONGRESS)
WASHINGTON, D.C. 20510

May 10, 1974

Chester C. Davis, Esq.
Davis and Cox
One State Street Plaza
New York, N. Y. 10004

Dear Mr. Davis,

Thank you very much for your letter of March 20, 1974, in which you discuss your objections to making Mr. Danner and Mr. Winte available to the Senate Select Committee for further sworn testimony and to providing the Committee with documents described by Nadine Henley in her informal interview on January 22, 1974.

Since you have raised the questions of the Committee usurping the judicial function and subjecting your clients to unfair parallel proceedings, I would like to respond first to these arguments even before reaching the particular facts surrounding the Committee's most recent requests to you.

Usurpation of the Judicial Function

The Select Committee has no intention of usurping the judicial function, and its further interrogation of your clients will not do so. The present situation is wholly unlike the case of Kilbourn v. Thompson, 103 U.S. 168 (1881), upon which you so strongly rely. The Court found that the subject of inquiry there -- the conduct of a particular real estate pool subject to pending bankruptcy proceedings -- could not lead to valid legislation. But in the instant case the Select Committee is examining the extent to which your clients (or some of them) may have been involved in serious campaign practice abuses affecting the integrity of the presidential electoral system. Section 1 (a) of S. Res. 60 instructs this Committee "to conduct an investigation and study the extent . . . to which illegal, improper, or unethical activities" occurred in the 1972 presidential campaign and election, (emphasis added) and section 2 admonishes the Committee to make sure that its investigations should be "complete." Under these circumstances, the analogy

to Kilbourn is very weak indeed. The Presidential election system is clearly a topic upon which Congress may legislate and investigate so that it legislates wisely. In any event, Kilbourn has been "severely discredited" because of its "loose language." Hutcheson v. United States, 369 U.S. 599, 613-14 (Harlan, J. concurring).

You contend that the Select Committee may not resolve the conflicts in the evidence or adjudicate guilt or innocence (page 4). If you only mean that the Select Committee's investigation is not a criminal trial and the Select Committee cannot pass sentence, then you are of course correct. But the observation is irrelevant since the Committee has neither the power nor the desire to assume either of these functions.

But if you mean that the Select Committee cannot resolve factual inconsistencies for purposes of building its legislative record; if in short you mean that the Select Committee may not be concerned with the truth, then you are simply wrong. The Select Committee has been specifically mandated to issue a "final report of the results of its investigation and study conducted by it pursuant to this resolution, together with its findings and its recommendations . . . " S. Res. 60, sec. 5 (emphasis added.) The Select Committee is by no means prohibited from seeking to verify or dispute your clients' version of events. To suggest otherwise is to contend that a congressional committee cannot seek to determine the truth. I might add that it is to your clients' advantage to testify again in order to clear up some serious inconsistencies that have developed in the record.

A long line of cases support the strong investigative power of Congress in situations such as the present one. See McGrain v. Daugherty, 273 U.S. 135 (1927); Sinclair v. United States, 279 U.S. 263 (1929); Hutcheson v. United States, 369 U.S. 599 (1962) (Senate Select Committee on Improper Activities in the Labor or Management Field; investigation of unlawful use of union funds to influence prosecution); Delaney v. United States, 199 F.2d 107 (1st Cir. 1952) (House Ways and Means Subcommittee on Administration of the Internal Revenue Laws; investigation of Corruption by Collector of Internal Revenue); United States v. Costello, 198 F.2d 200 (2d Cir. 1952), cert. denied, 344 U.S. 874 (1952) (Senate Special Committee

to Investigate Organized Crime in Interstate Commerce); United States v. Orman, 207 F.2d 148 (3rd Cir. 1953) (same); Sanders v. McClellan, 150 U.S. App. D. C. 58, 463 F.2d 894 (1972) (Senate Government Operations Committee.)

Parallel Proceedings

The fact that agencies of other branches of the government have interrogated some of your clients neither has been caused by nor may affect the work of this Select Committee. Their purposes are different from ours since we have a legislative function. Since our purposes are different, it should not be surprising that our questions are different. Even if these other agencies shared their information with the Select Committee, that would not limit our own duties to investigate under S. Res. 60. As the Ninth Circuit stated in Silverthorne v. United States, 400 F.2d 627, 633-34 (9th Cir. 1968), cert. denied, 400 U.S. 1022 (1971): "the Senate Committee and the federal grand jury are associates in exposing criminal activity and moving toward its curtailment." Just as even a court of law may not "say when a Congressional committee should be deemed to have acquired sufficient information for its legislative purposes, Hutcheson v. United States, 369 U.S. 599, 619 (1962) (Harlan, J. concurring), neither may you, Mr. Davis, tell us when we have acquired sufficient information.

Finally, I would like to point out to you the factual context of the Committee's latest requests.

First, Mr. Winte has never given testimony under oath to the Select Committee. As an attorney, Mr. Davis, you certainly understand the importance of taking testimony under oath, even when it may appear to be no more than repetition of information already provided informally. Mr. Winte's testimony about his involvement in various activities during the 1972 Presidential campaign is essential to complete the factual record of the Committee. I would merely note, Mr. Davis, that Mr. Winte continues to be under subpoena to the Committee and that he risks the full contempt powers of the Senate should he fail to appear before the Committee at its request. I request, therefore, that you immediately contact Mr. Lenzner or Mr. Lackritz of the Committee staff to arrange for Mr. Winte's sworn testimony at his very earliest convenience.

Secondly, while Mr. Danner has been questioned by the Committee staff in December under oath, new evidence given to the Committee necessitates our recalling him in order to clarify some matters not raised before and to attempt to resolve some contradictions with other sworn testimony before the Committee. Mr. Danner remains under subpoena to the Committee, and so I request that you immediately contact the Committee staff to arrange for the continuation of Mr. Danner's testimony at his earliest convenience.

Thirdly, the information requested of Nadine Henley in Mr. Lackritz's letter of February 22, 1974, relates directly to the source of the cash delivered to Mr. Rebozo in 1969 or 1970. In addition, you agreed in the course of that interview to provide the Committee with these documents if they were specifically requested in a letter. If you are now taking the position that you will not provide these documents to the Committee, we will have to consider instituting more formal procedures in order to obtain them. I would appreciate your providing those documents to the Committee as soon as possible.

Thank you for your cooperation.

Sincerely,

Sam J. Ervin, Jr.

Sam J. Ervin, Jr.
Chairman

DANNER EXHIBIT NO. 18

LAW OFFICES OF
DAVIS & COX
ONE STATE STREET PLAZA
NEW YORK, NEW YORK 10004
(212) 425-0500

May 31, 1974

Paul R. Michel, Esq.
Watergate Special Prosecution Force
United States Department of Justice
1425 K Street, N.W.
Washington, D.C. 20005

Dear Mr. Michel:

On behalf of Mr. Richard G. Danner, we are herewith producing photocopies of records in the possession, control or custody of Mr. Danner called for by the grand jury subpoena, as clarified by the correspondence and the telephone conversations between us with respect to the scope of the subpoena. A list of the records being produced is attached hereto.

With respect to the diaries, only copies of those entries or portions thereof responsive to Items 1, 2 or 3 of the subpoena have been produced. The diary entries produced for the period January 1, 1968 to December 31, 1968 reflect Mr. Danner's travel or whereabouts outside of Washington, D.C. For the balance of the period covered by the subpoena the records produced reflect Mr. Danner's travel or whereabouts outside the State of Nevada.

We are not producing certain records called for by the subpoena on the grounds of attorney-client and/or attorney work product privilege; namely, the correspondence between Edward Morgan, Esq. and James Hayes, Esq. analyzing different aspects of the TWA litigation and the correspondence between Edward Morgan, Esq. and Richard Danner with respect to legal matters in connection with an application for a television license. A complete list of all those documents not being produced on the grounds of privilege is attached hereto.

Sincerely yours,

Lawrence S. Burstein

LSB/abc

Enclosures

DANNER EXHIBIT NO. 19

LIST OF
RECORDS TO BE PRODUCED

1. Account Voucher for July 1971 re staff meeting in Los Angeles.

2. Letter dated May 19, 1969 from Rebozo to Danner.

3. Letter dated November 11, 1969 from Danner to Rebozo. (Memorandum not attached).

4. Letter dated November 17, 1969 from Rebozo to Danner.

5. Letter dated November 19, 1969 from Danner to Rebozo.

6. Letter dated March 3, 1970 from Danner to Rebozo.

7. Letter dated March 17, 1970 from Danner to Rebozo. (Memorandum not attached).

8. Letter dated May 19, 1971 from Rebozo to Danner, with attachments.

9. Letter dated January 18, 1972 from Danner to Eugene C. McGrath (with attachments).

10. Letter dated March 1, 1972 from Danner to Rebozo, with attachment.

11. Letter dated April 19, 1973 from Danner to Rebozo, with attachment.

1968 Diary Entries

12. 1968 diary entry of January 5.

13. 1968 diary entry of January 8.

14. 1968 diary entry of January 14.

15. 1968 diary entry of January 15.

16. 1968 diary entry of January 16.

17. 1968 diary entry of January 25.

18. 1968 diary entry of January 28.

(1968 Diary Entries - Cont'd)

19. 1968 diary entry of January 29.

20. 1968 diary entry of February 8.

21. 1968 diary entry of February 14.

22. 1968 diary entry of February 15.

23. 1968 diary entry of February 17.

24. 1968 diary entry of February 18.

25. 1968 diary entry of February 23.

26. 1968 diary entry of February 29.
26A. 1968 diary entry of March 6.
27. 1968 diary entry of March 7.

28. 1968 diary entry of March 8.

29. 1968 diary entry of March 16.

30. 1968 diary entry of March 17.

31. 1968 diary entry of March 19.

32. 1968 diary entry of March 22.

33. 1968 diary entry of March 29.

34. 1968 diary entry of April 2.

35. 1968 diary entry of April 9.

36. 1968 diary entry of April 10.

37. 1968 diary entry of April 11.

38. 1968 diary entry of April 12.

39. 1968 diary entry of April 14.

40. 1968 diary entry of April 15.

41. 1968 diary entry of April 18.

42. 1968 diary entry of April 19.

43. 1968 diary entry of April 20.

44. 1968 diary entry of May 3.

45. 1968 diary entry of May 6.

(1968 Diary Entries - Cont'd)

46. 1968 diary entry of May 8.

47. 1968 diary entry of May 14.

48. 1968 diary entry of May 15.

49. 1968 diary entry of May 16.

50. 1968 diary entry of May 17.

51. 1968 diary entry of May 19.

52. 1968 diary entry of May 21.

53. 1968 diary entry of May 22.

54. 1968 diary entry of May 23.

55. 1968 diary entry of May 26.

56. 1968 diary entry of June 4.

57. 1968 diary entry of June 6.

58. 1968 diary entry of June 7.

59. 1968 diary entry of June 9.

60. 1968 diary entry of June 10.

61. 1968 diary entry of June 11.

62. 1968 diary entry of June 22.

63. 1968 diary entry of June 26.

64. 1968 diary entry of June 27.

65. 1968 diary entry of July 8.

66. 1968 diary entry of July 10.

67. 1968 diary entry of July 15.

68. 1968 diary entry of July 16.

69. 1968 diary entry of July 18.

70. 1968 diary entry of July 20.

71. 1968 diary entry of July 22.

(1968 Diary Entries - Cont'd)

72. 1968 diary entry of July 23.

73. 1968 diary entry of July 24.

74. 1968 diary entry of July 25.

75. 1968 diary entry of July 26.

76. 1968 diary entry of July 28.

77. 1968 diary entry of July 29.

78. 1968 diary entry of July 30.

79. 1968 diary entry of July 31.

80. 1968 diary entry of August 3.

81. 1968 diary entry of August 9.

82. 1968 diary entry of August 10.

83. 1968 diary entry of August 11.

84. 1968 diary entry of August 13.

85. 1968 diary entry of August 20.

86. 1968 diary entry of August 21.

87. 1968 diary entry of August 26.

88. 1968 diary entry of August 27.

89. 1968 diary entry of August 29.

90. 1968 diary entry of September 3.

91. 1968 diary entry of September 4.

92. 1968 diary entry of September 10.

93. 1968 diary entry of September 11.

94. 1968 diary entry of September 15.

95. 1968 diary entry of September 16.

96. 1968 diary entry of September 18.

(1968 Diary Entries - Cont'd)

97. 1968 diary entry of September 25.

98. 1968 diary entry of September 26.

99. 1968 diary entry of September 27.

100. 1968 diary entry of September 28.

101. 1968 diary entry of September 29.

102. 1968 diary entry of October 3.

103. 1968 diary entry of October 10.

104. 1968 diary entry of October 15.
105. 1968 diary entry of October 17.
106. 1968 diary entry of October 19.

107. 1968 diary entry of October 23.

108. 1968 diary entry of October 24.

109. 1968 diary entry of October 25.

110. 1968 diary entry of October 31.
110A. 1968 diary entry of November 1.
111. 1968 diary entry of November 2.

112. 1968 diary entry of November 4.

113. 1968 diary entry of November 5.

114. 1968 diary entry of November 6.

115. 1968 diary entries of November 8-10.

116. 1968 diary entry of November 11.

117. 1968 diary entry of November 12.

118. 1968 diary entry of November 13.

119. 1968 diary entry of November 14.

120. 1968 diary entry of November 20.

121. 1968 diary entry of November 21.

122. 1968 diary entry of November 22.

123. 1968 diary entry of November 24.

(1968 Diary Entries - Cont'd)

124. 1968 diary entry of November 25.

125. 1968 diary entry of November 26.

126. 1968 diary entry of November 29.

127. 1968 diary entry of December 2.

128. 1968 diary entry of December 3.

129. 1968 diary entry of December 4.

130. 1968 diary entry of December 5.

131. 1968 diary entry of December 8.

132. 1968 diary entry of December 10.

133. 1968 diary entries of December 13-15.

134. 1968 diary entry of December 30.

1973 Diary Entries

135. 1973 diary entry of February 11.

136. 1973 diary entry of February 18.

137. 1973 diary entry of May 17.

138. 1973 diary entry of May 18.

139. 1973 diary entry of May 19.

140. 1973 diary entry of May 20.

141. 1973 diary entry of May 21.

142. 1973 diary entry of June 5.

143. 1973 diary entries of June 10-12.

144. 1973 diary entry of June 13.

145. 1973 diary entry of July 3.

146. 1973 diary entries of July 8-11.

147. 1973 diary entry of July 16.

(1973 Diary Entries - Cont'd)

148. 1973 diary entry of August 4.

149. 1973 diary entries of October 4-7.

150. 1973 diary entry of October 9.

151. 1973 diary entry of October 30.

152. 1973 diary entry of November 26.

153. 1973 diary entry of November 28.

154. 1973 diary entry of December 1.

155. 1973 diary entry of December 5.

156. 1973 diary entry of December 10.

157. 1973 diary entry of December 12.

158. 1973 diary entry of December 13.

159. 1973 diary entry of December 17.

160. 1973 diary entry of December 20.

DANNER EXHIBIT NO. 20

DOCUMENTS NOT TO BE PRODUCED
ON THE GROUND OF PRIVILEGE

1. Letter dated March 13, 1970 from Edward P. Morgan to R. G. Danner. Re TWA Litigation.

2. Letter dated October 19, 1970 from Edward P. Morgan to James V. Hayes (hereinafter "Hayes"). Re TWA Litigation.

3. Letter dated November 4, 1970 from Edward P. Morgan to Hayes. Re TWA Litigation.

4. Letter dated November 2, 1970 from Hayes to Edward P. Morgan. Re TWA Litigation.

5. Letter dated October 16, 1970 from Edward P. Morgan to Hayes. Re TWA Litigation.

6. Letter dated October 12, 1970 from Edward P. Morgan to Hayes. Re TWA Litigation.

7. Letter dated October 14, 1970 from Edward P. Morgan to Hayes. Re TWA Litigation.

8. Letter dated September 24, 1970 from Edward P. Morgan to Hayes. Re TWA Litigation.

9. Undated Memorandum prepared for Edward P. Morgan, re TWA litigation.

10. Memorandum dated October 6, 1972 from Edward P. Morgan to stockholders of Central Nine Corporation re legal position in connection with application for television station.

11. Letter dated April 10, 1972 from Edward P. Morgan to R. G. Danner re legal matters in connection with application for license for television station, with attachment.

DANNER EXHIBIT NO. 21

Inter 'epartment Corrcspo 'ence

To: Chick Hirsch Date October 21, 1971

From: Richard Danner

Subject: Expense Account - July, August, September - 1971

July, 1971-

Tips	139.00	
Breakfast - L.A. Meeting	4.50	
Lunch - Staff Meeting	5.00	
TOTAL		148.50

DANNER EXHIBIT NO. 22

C. G. Rebozo
KEY BISCAYNE BANK BUILDING
KEY BISCAYNE, FLORIDA 33149

May 19, 1969

Mr. R. G. Danner
Frontier Hotel
Las Vegas, Nevada

Dear Dick:

Thank you very much for a wonderful weekend in Las Vegas. You more than outdid yourself. It would be impossible for me to extend comparable hospitality. The last evening there turned out very well. The opportunity to discuss the matter which we had talked about presented itself and, as it turned out, I don't believe it could have worked out better. I am sure, the message came through loud and clear with respect to both matters which you mentioned to me at the cocktail party.

The advance you provided me is returned herewith. Hope it does not bounce.

Sincerely,

C. G. Rebozo

CGR:lh

Encl.

DANNER EXHIBIT NO. 23

November 11, 1969

Mr. C. G. Rebozo
Bank of Key Biscayne
Key Biscayne
Florida.

Dear Bebe:

Enclosed herewith are the news releases etc., pertaining to John Meier, together with a memorandum on the same subject which I discussed with you.

Sincerely,

Richard G. Danner
Managing Director

RGD/ms

Enclosures

DANNER EXHIBIT NO. 24

C. G. Rebozo
KEY BISCAYNE BANK BUILDING
KEY BISCAYNE, FLORIDA 33149

November 17, 1969

Mr. Richard Danner
c/o Frontier Hotel
Las Vegas, Nevada

Dear Dick:

Thought you might like to have a copy of the enclosed list of guests who attended the stag dinner for the Prince.

Regards,

C. G. Rebozo

CGR:slb

Enclosure

DANNER EXHIBIT NO. 25

November 19, 1969

Mr. C. G. Rebozo
Key Biscayne Bank Building
Key Biscayne, Florida 33149.

Dear Bebe:

I am attaching hereto a letter dated November 17, 1969 which is self explanatory.

As you may recall, Walker was our first "break through" in the Florida Democrats for the Nixon campaign in Florida. I first knew him during Smathers' 1962 campaign when he was very helpful in the Tampa area. He enjoys a very fine reputation, both as an Architect and a citizen.

I don't know what, if anything, you could do, but I am sure any efforts on your behalf will be appreciated.

I have not mentioned to Walker that I am communicating with you, so that if you are not able to do anything, he will never know.

Sincere personal wishes,

Richard G. Danner
Managing Director

RGD/ms

Att: 1

P.S. Many thanks for the guest list of the White House Stag party. I was wondering how I could obtain one, and you answered my wish.

DANNER EXHIBIT NO. 26

March 3, 1970

Mr. C.G. Rebozo
Bank of Key Biscayne
Key Biscayne, Fla.

Dear Bebe:

I am attaching hereto a letter from Ed Morgan, together with some newspaper articles all on the subject of school busing. Ed and I were discussing this subject when he proposed the constitutional theory as set out in his letter and I asked that he develop it further and give me the benefit of his thinking. It occurred to me that some of your friends up the line might be interested in his comments.

In my opinion Morgan is one of the best trial and appeal attorneys in the country. An examination of his record will reflect that he rarely loses a case on appeal, because of his intimate knowledge of the law and the Constitution.

I whole-heartedly agree with his observations that this issue is going to become of paramount importance in the days ahead. The great rank and file of the people who have accepted integration, civil rights, etc., in good spirit will simply blow up when it comes to the question of busing, and will vigorously oppose such efforts.

Let me have your reaction.

Sincere personal regards,

Richard G. Danner
Managing Director

RGD/ms

Att:

DANNER EXHIBIT NO. 27

March 17, 1970

Mr. C. G. Rebozo
Bank of Key Biscayne
Key Biscayne, Fla.

Dear Bebe:

I am attaching hereto a five page memorandum addressed to "Whom it may Concern" and a two page digest of the former as per our conversation.

It occurs to me that the A.E.C., by continuing to conduct underground tests, is moving into the realm of the unknown, with the resultant danger that, should the A.E.C. have miscalculated, catastrophic effects could ensue. For example, should an earthquake be generated, which along with the natural devastating effects of an earthquake, would also break open the sealed underground chambers causing the latter to release the stored up radioactive materials into the underground water system, as well as into the atmosphere, the damage could be incalcuable.

I think everyone realizes, by the same token, that there are probably great and over-riding reasons stemming from our national security requirements that may dictate that these tests continue even if there are serious risks that have to be taken.

If it is possible on your part, I would sincerely appreciate having a scientific explanation as to why these fears of earthquakes or contamination are groundless, or a simple explanation that our national existence is dependant upon our ability to further develop and refine our nuclear capabilities.

Sincere personal wishes,

Richard G. Danner
Managing Director

RGD/ms

Enc.

DANNER EXHIBIT NO. 28

C. G. Rebozo

REC'D MAY 22 1971

May 19, 1971

Mr. Richard G. Danner
Desert Inn
Las Vegas, Nevada 89109

Dear Dick:

The newspaper clipping which I sent you did not conform with what you had previously told me, that is why I thought you would be interested.

Don't ever suffer under any illusion that the Miami Herald "straightens anything out". As you know, it is open season on the Director, and for that matter, law and order in general. The Miami Herald's "goofing" this one certainly does not establish a precedent as we all know they are old hands at this.

Glad to know that everything is working out well with you.

Warm regards.

Sincerely,

C. G. Rebozo

CGR:jl

May 14, 1971

Mr. C. G. Rebozo
Key Biscayne Bank Building
Key Biscayne, Florida 33149

COPY

Dear Bebe:

Despite your marginal note, "for your information, no acknowledgement necessary," I must reply to the clipping that you sent me from the Miami Herald of Nixon Smiley's column concerning the Cash Kidnapping case.

I thought this matter had long ago been straightened out, since it happened some 33 years ago, but as you probably will remember, Sheriff Coleman had nothing to do with the solution of this case other than quite by coincidence. He gave Franklin Pierce McCall a ride up to Miami from Princeton and turned McCall over to me with the statement that McCall wanted to talk to some F.B.I. agent. It was your friend Danner who finally broke McCall down and got his confession. Coleman had nothing to do with it but was smart enough after the case broke to remember that he had given McCall transportation to Miami.

I don't intend to write to the Herald to try to straighten them out, but it does grieve me to see them use a story that was an effort to attempt to malign the Director and which has long since been thoroughly discounted. The Miami Herald really goofed this one, and I suppose that for the next century they will continue to justify their violation of a confidence, which incidentally no other newspaper, wire service nor news media violated.

Jim Golden tells me you have not been feeling well, which I am sorry to hear. I wonder if it could be your cooking, and if it is, if you weren't so penurious, I would be happy to come down as your guest for a few days or a month and fix you some meals that might straighten you out (comped, of course.)

Everything is going fine out here, except that I am working too hard but I am enjoying it. Let me hear from you.

Sincerely,

Richard G. Danner

RGD/ss

Hoover Took All the Credit

By NIXON SMILEY
Herald Staff Writer

The controversy over the top dog of the G-men reminds some of us of a week 33 years ago when Dade County had a chance to see J. Edgar Hoover in action.

That occasion was after the kidnaping on the evening of May 28, 1933, of five-year-old James Bailey (Skeegie) Cash Jr. from his bed in Princeton, 25 miles south of Miami. Twelve days later Franklin Pierce McCall, 21, confessed kidnaping and murdering the child.

Hoover took all the credit for the FBI. To the public Hoover and his G-men stood 10 feet tall. To a few close to the scene the FBI, and particularly Hoover, would never again stand quite so tall.

The Cash kidnaping occurred on Saturday night and on Sunday Hoover was in Miami with a squad of FBI agents. Meanwhile, the FBI chief in Miami called local newspapers, wire services and radio stations to ask them to carry nothing about the kidnaping until the ransom was paid and the child returned safely.

This the news media agreed to do, provided reporters could be kept informed of the progress of the case in order to prepare stories for eventual publication or broadcast. The FBI agreed to cooperate.

MEANWHILE, however, news of the kidnaping spread far and wide. Hundreds of curious, as well as people who sincerely wanted to help, congregated in Princeton. By Monday, Hoover had close to 40 G-men dashing about, taking suspects into custody for questioning. Fifteen were questioned in a single day.

Reporters could learn nothing, though, because Hoover had ordered his agents not to talk with any reporter. Wild rumors spread like wildfire. The sheriff's department could answer few questions because the FBI was not taking Sheriff D. C. Coleman into its confidences.

When readers of The Miami Herald found nothing in the Monday paper about the kidnaping, hundreds called, many to "tip" the editors off.

"It looks like everybody in Dade County knows of the kidnaping except The Miami Herald," fumed City Editor John Pennekamp.

Herald reporters had written thousands of words on the kidnaping and the editors were keeping the material up to date hour by hour, waiting for some word from the FBI. Nothing came.

AS MIDNIGHT Monday approached, 48 hours after the kidnaping, Pennekamp ordered the pages readied to go, and on Tuesday morning The Herald came out with a full front page of coverage under a two-line streamer head: "Dade County Boy Kidnaped."

At 4:45 that morning the ransom money was delivered and The Herald soon came out with an extra.

Hoover hit the ceiling. As the days passed without the child being released, blame was heaped upon The Herald. Hoover told Reporter Steve Trumbull that if the child was found dead The Herald would have to shoulder the blame.

MEANWHILE, Sheriff Coleman arrested Franklin Pierce McCall, 21, and turned him over to the FBI. Coleman had observed McCall, and, after questioning him, considered him as a prime suspect.

The FBI released him. Apparently the FBI could not believe that the cleanly cut, intelligent and outgoing youth, the son of a preacher, could have planned such a job.

A second time Coleman arrested McCall and turned him over to the FBI. He had caught the youth in a lie. With this lead, the FBI wrung a confession from McCall.

Early in the morning of June 9, 12 days after the kidnaping, the FBI announced McCall's confession and the finding of Skeegie Cash's body in a palmetto clump a mile from the child's home. McCall had tossed the body there on the night of the kidnaping.

Sheriff Coleman's role in apprehending the kidnaper was not mentioned.

A FEW WEEKS after the kidnaping, Collier's magazine came out with a sensational article, "Death in Headlines," by Quentin Reynolds indicted The Herald for its premature publication of the kidnap story, implying that the newspaper's action resulted in Skeegie Cash's death.

Reynolds, a friend of Hoover, had gotten his story from the FBI chief. Hoover had neglected to tell Reynolds, or Reynolds had misunderstood, that Skeegie Cash had been dead for over 48 hours when The Herald broke the story.

Hoover also implied to Reynolds that the FBI suspected McCall all the while but was hesitant to arrest him because of fear of a possible lynching. That statement would have been more believable had the FBI not arrested several other "suspects" in South Dade and hauled them off to federal headquarters in Miami for questioning.

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3. A LEA... lonese rebel... April 5 was ... Korea after ... student in N... Lumumba U... to educate ... non-Commu... countries). F... ture, Ceylo... North Korea ... embassy ther...

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ANY AC...

DANNER EXHIBIT NO. 29

the Sands

Las Vegas, Nevada · Phone 735-9111 · (Area Code 702)

January 18, 1972

PERSONAL & CONFIDENTIAL

ECUTIVE

Mr. Eugene C. McGrath
Box 10341
Panama 4, Republic of Panama

Dear Gene:

I am in receipt of your letter of January 7, 1972, enclosing the statement of Ambassador de la Ossa with reference to the Panama Canal negotiations. By coincidence, I had just read a rather lengthy article pertaining to the treaty problems which would seem to bear out your observations.

I can understand your anxiety, but I just cannot agree that our Miami friend could participate in any manner in this. There is no way he could volunteer his services without being exposed to severe criticism for interference in a very touchy and delicate matter.

I am certain that everyone up here must be aware of the problem and hopefully in a position to do something about it, but I think now would be a very difficult and dangerous time for an "outsider" to inject himself into the negotiations.

Of course, if our friend feels differently, this is his decision; but as little as I know about it, I would have to back off.

Sincerely,

Dick

RICHARD G. DANNER

RGD:ds

P.S. Our Love to Chela et al - we long to get down there for a visit and rest - hope it soon -

Lind copy sent to B. Rebozo [illegible]

EUGENE C. McGRATH
BOX 10341
PANAMA 4, REPUBLIC OF PANAMA

January 7, 1972

Mr. Richard G. Danner
Managing Director
Frontier Hotel
Las Vegas, Nevada

Dear Dick:

I know how fond you are of Panama, and how much interest you have in helping me to do "the right thing."

I remember all too well how you met "the Congressman" in Miami when he was dressed in a heavy winter suit in the middle of the Miami heat. You took him to buy clothes, and held his hand during his most difficult days. I also know how fond you are to Bebe, and how much influence Bebe can have on that ex-Congressman.

Therefore, I attach a copy of my letter of this date to Bebe, as well as a copy of the transcript of the opening remarks of the Panamanian Chief Negotiator in the U.S.-Panama treaty talks.

I am convinced that if Bebe could visit Panama (on a fishing trip or some such other personal venture) upon his return to the U.S. he could convey to the President the correct picture of the local situation.

I also feel that Bebe would only fly down if accompanied by you, or by George. I am earnestly asking for your help in getting him down here sometime in late January or February, since I do not believe that the pressures building up in Panama can be contained much beyond April if the U.S. continues to drag its feet in the manner expressed in the comments of Ambassador de la Ossa, as attached.

As a closing remark, may I say that I finally received your letter about Antonio's entrance into Georgetown. It carried the date you mentioned but inadequate stamps and therefore, by something somewhat slower than pony express, devouring nine weeks from Las Vegas, reached me in Panama. Perhaps your secretary could be reminded to check on proper airmail postage

when you respond to this letter.

Chela joins me in sending to you, Martha and to your family our warmest best wishes and hopes for a happy new year.

Sincerely,

Eugene C. McGrath

ECM/enf

January 7, 1972

Mr. G. B. Rebozo
Key Biscayne Bank Building
Key Biscayne, Florida 33140

Dear Bebe:

I am attaching a translation of the opening remarks made by the Chief Panamanian Negotiator, José A. de la Ossa, at a treaty negotiation session of November 9, 1971 in Washington.

General Torrijos handed me the transcript in Spanish. I have had it translated for the benefit of a very few and selected friends, such as yourself.

Upon careful reading you will observe how tragically slow progress is being achieved, if it is being achieved at all, in these negotiations. I am very preoccupied as to the results of the absence of progress. I think you are in the position to be of great help to President Nixon, and, incidentally, to the Republic of Panama. I want very much to talk to you and explain to you my feelings in this regard. I am flying to Miami specifically for this purpose within the next few days. I hope this letter reaches you first.

Best personal regards,

Eugene C. McGrath

ECM/enf

Informal Meeting - Embassy of Panama
9 November 1971 - 2:00 p.m.
Washington, D. C.

Words by Ambassador de la Ossa at the initiation of the meeting:

Ambassador Mundt, Messrs. Sheffey and Finn:

Before entering into the discussion as to land and water, I would like to say a few words, with your permission.

My delegation has studied with great care the drafts which were delivered by you. Although we understand that this represents only the first draft effort on your part, intended to put in writing the position of the United States, we are still seriously preoccupied as to its contents, since we now surmise that the United States is preparing itself for a position of bargaining which we consider to be extremely dangerous. It would appear that, after having reached an agreement as to the basis on which a new treaty would be structured, the documents which you have now presented contradict the spirit of that accord and attempt to reduce its scope.

What were the basis of that accord? For my country there were three such basis, which we have proclaimed time and again throughout the entire process of these negotiations:

1. To put an end to the perpetuity clause:

   To date we have not received the U. S. written position as to the length of the new treaty. The only thing that we have heard from you is that your aspirations are for a treaty to be "long, very long." This expression, or point of view, certainly makes it difficult for a cordial atmosphere to be engendered between our two countries, nor does it assist us in reaching a fair accord.

2. An end to a "government within another government."

   The papers which we have received appear to indicate that this principle has been set aside, although you insist that you continue to respect our position in this regard. You reflect in these documents the desire of the United States to remain with almost all of the visible forms of jurisdiction until the end of the treaty.

   How can Panama accept a treaty that supposedly ends the jurisdiction of the United States in our country, when you insist on preserving in effect the powers of your courts, your police, and continue to apply the laws of the United States (in the Canal Zone area)?

How can you state, with a serious face, that you recognize the effect of sovereignty of Panama in the Canal Zone when, after the draft which you present us, we would give to you the power to expel or deport Panamanians from that area?

How can you talk of the concept of "a society" between Panama and the United States on the basis of equality when, as a matter of fact, you propose the creation of a private police force (in the Canal area) 15 years after the signing of the treaty, and for the rest of the duration of that treaty?

Up to date the only thing that you have ceded, as far as jurisdiction is concerned, is commercial jurisdiction, and that not totally, since you insist on reserving the right to carry out certain types of commercial activity at your sole discretion.

3. Greater participation in the economic benefits of the Canal:

We have heard nothing concrete from you in that regard.

We are at a vital crossroads in our efforts. The positive things that you have said that you are willing to concede to Panama will be converted into negative things if you insist on the spirit or tenor of the documents which you have just presented to us. I suggest that we turn back and that we re-examine with great care the principles and fundamental objectives of the treaty, and that from that point, from that initial spirit of reform, and from this origin of a new era in our relations, based on equality, justice and understanding of our legitimate aspirations, we can then develop a draft of a treaty that could satisfy both countries.

I do not wish to refer to, in fact, I do not even want to think of, the consequences of a failure. I only want to say that the responsibility of such a failure will be on our shoulders, the negotiators of both countries.

To start anew, Panama reaffirms its initial position, which has not varied since the beginning of these conversations.

-- We are willing to have you manage and maintain the present canal;

-- We are willing to permit you to protect and defend it, respecting its neutrality.

These things we agree to within a fixed period of time.

The Panamanian position in these negotiations is not, as some fear, to liquidate or eliminate the presence of the United States in Panama but, rather, to be able to say "we want" instead of repeting as we have said until now "we have."

We want to have our relations brought up to date, enlivened and fair.

Our position is generous, honorable and of a high level. The efforts that you have displayed to maintain and preserve the "status quo" as to the policemen, the courts, the application (of U. S. law) the extradition, rights and powers, etc. go way beyond that which Panama is willing to agree to in a new treaty. Your position is untenable before the world public opinion. That position is far from being consistent with the elimination of "a government within a government" that you allege you have accepted.

Throughout its history as a republic, Panama has never been stingy in offering its full resources, its friendship and its own land to the United States for the great work of the canal. We have been good friends in the past and we do not deserve the treatment that you are giving us. My people cannot accept the continuation of the "status quo." They reject and repudiate it. It was the "status quo" that was the motivation of the national expression in the decades of the fifties. It was the "status quo" that was the cause of 22 deaths in January 1964. It was the "status quo" that resulted in the joint declaration of April 1964, which has brought us here in the negotiation of a new treaty. How then can you expect us to understand your stubborn desire to preserve and maintain the "status quo" of these same things in a new treaty? How can you even dream that we would think of accepting these conditions?

We are a reasonable people and we have accepted, because we understand your political position, that there must exist a period of gradual reduction, of changes by stages in our relations. But we have to accepted this transitional philosophy with a view towards satisfying our aspiration in the near future.

Nevertheless, the time limits proposed by you are not reasonable, and they have no basis in either logic nor law. Your only purpose (as far as long limits are concerned) is to maintain the hated "status quo."

The papers which you have presented indicate a great lack of confidence, and almost the total absence of good faith, towards our intentions and our ability to comply with what we promise. How do we plant the seeds of a new relationship under these conditions? How do you expect Panama, in turn, not to distrust the United States? Furthermore, to top it all off, you ask us, surprised, why we want to liquidate or eliminate the U. S. presence in Panama? Sincerely, gentlemen, I believe the United States is auto-liquidating its foreign policy, not only in Panama but also throughout the American continent.

I wish to reiterate my plea for a re-examination of our positions. For our part, we have begun to re-examine ours. There is much at stake. Panama is a small country, small in area as well as in population. We are not capable of threatening the United States, the most powerful country in the world. But we do want you to understand the scope of our emotion: If we fail in our effort to reach a satisfactory accord, and in a relatively short period of time, our relations will not remain unaltered. We do not subscribe to the theory that it is possible to postpone the solution of this problem in the coming years. We want and we expect a prompt solution to these grave problems. Nobody can accuse us of being impatient. Remember that in the present process of negotiation my country is calm, and there is tranquility there. My people trust that the United States understands, and agree to remedy the existing situation.

Let us start today clarifying our positions in an atmosphere of complete frankness. I propose that we go on to explain our position about water and land in the Panama Canal area. I hope that you will capture new concepts from our statements here today.

DANNER EXHIBIT NO. 30

the Sands

Las Vegas, Nevada • Phone 735-9111 • (Area Code 702)

March 1, 1972

Personal & Confidential

EXECUTIVE

Mr. Charles G. Rebozo
Key Biscayne Bank Building
Key Biscayne, Florida 33140

Dear Bebe:

I am attaching hereto a copy of a letter dated February 18, 1972, from Gene McGrath which has further reference to his expressed concern over the Canal Treaty negotiations. I don't know why he is so concerned over the matter other than he possibly could have made some promises which he is finding hard to fulfill.

In any event, I assume that you received a copy of my letter to him of January 18 on the same matter, and I still feel the same: namely, that it would be impossible and, to say the least, exceedingly foolish if you permitted yourself to become involved in a matter of this type. I am certain that in your own good judgment you have already reached the same conclusion.

I think our friend has accomplished very nearly the impossible on his recent trip to China, and what criticism we are now hearing probably stems from sources who hoped it would be a dismal failure. I can see nothing but good emanating from this if it is handled in the future in the same manner.

I had hoped to get down to Florida last month, but the pressure of business continues unabated out here which made it necessary that I cancel my trip. I haven't given

up though, so please keep the spare bedroom cleaned up and ready.

I talked to the new bridegroom recently, and he seems to be enjoying his new role; he should for he practiced long enough.

If you get a minute, drop me a note or call me. I would like to hear your predictions as to how the Florida primaries are going to go.

Sincere personal regards,

RICHARD G. DANNER

RGD:ew
attachment (copy of letter)

EUGENE C. McGRATH
BOX 10341
PANAMA 4, REPUBLIC OF PANAMA

February 18, 1972

PERSONAL & CONFIDENTIAL

Mr. Richard G. Danner
The Sands Hotel
Las Vegas, Nevada

Dear Dick:

Thank you for your letter related to a proposed (but not pending) visit of G. B. Rebozo.

I do feel that there arrives a time when one must stand up and be counted. I do not believe in the theory that one "should not get involved" since, by extension, this includes the horrible things that happened to people in full view of fellow citizens without anyone placing a restraining hand on the criminal.

However, there is obviously nothing more I can do to convince anyone, including particularly Bebe, of how foolish and inadvised is the foreign policy of the United States vis-a-vis Latin America.

I assure you, from the bottom of my heart, that due to his advisors, Nixon is stearing a short course of auto liquidation of virtually any influence that the United States might have had, or might have in the future, in connection with Latin America.

I have lived to regret my agreeing, through you, to pay $2,200 to hire airplanes (Engle Flying Service) for Nixon in his first primary in New Hampshire in 1964. Perhaps if I had not done so, someone else would have. I would like to believe so. I do not even regret that I never had acknowledgment from him nor from anyone else for this "favor", but I am convinced that Humphrey would have done immensely better as President of the United States.

May I tell you with sincere love to you both that Chela and I are anxious to have you spend a couple of weeks with us. Our farm is now beautiful and we are most eager for you to join us. April would be a marvelous time to do so if you feel free at that time.

With our warmest personal regards to both of you, and to Jeannie,

Sincerely,

Eugene C. McGrath

ECM/yv

DANNER EXHIBIT NO. 31

The Sands Las Vegas, Nevada 89109 (702) 735-9111

RICHARD G. DANNER

April 19, 1973

PERSONAL

Mr. C. G. Rebozo
Key Biscayne Bank Building
Key Biscayne, Florida 33149

Dear Bebe:

I wanted to thank you for your nice letter of April 12, 1973, concerning your recent visit here. I, too, must apologize for conking out that night; but as events developed, I found later that I was coming down with pneumonia, so it was probably well that you suggested that we knock it off and go to bed early. I have been out for about ten days, but am now getting back into the swing of things.

I was very much impressed with our friend's statements of April 17 with regard to the situation there in Washington, and I think he covered the matter very forcefully and forthrightly in his statement. Some comments that I have received here indicate that he has put to rest any suspicions as to his involvement, or even knowledge, as to what was going on at the time and will simply let the facts speak for themselves. The more I see of this man in action, the more I am impressed with his ability to handle the most difficult of situations at the right time and in the right manner.

I hope this finds you in good health and spirits, and one of these days I will try to sneak off and come down and spend a quiet visit with you and submit myself to the indignities and penuriousness one associates with you (when you are on your best behavior).

Sincerely,

Dick

RICHARD G. DANNER

RGD:dr

C. G. Rebozo
KEY BISCAYNE BANK BUILDING
KEY BISCAYNE, FLORIDA 33149

April 12, 1973

Mr. Richard D. Dannor
Sands Motel
Las Vegas, Nev.

Personal

Dear Dick:

Thank you very much for the wonderful hospitality showed me the other night. It was good getting together with you after so many years.

Sorry father time has sort of caught up with me and I was unable to get through the entire evening. Some day when you reach my age you'll know what I mean.

Come on down, even though I can't reciprocate the lavish hospitality, I'll afford you the "queen for a day room".

Sincerely,

C. G. Rebozo

CGR:smk

HENLEY EXHIBIT NO. 1

HOWARD R. HUGHES

TEXAS NATIONAL BANK OF COMMERCE OF HOUSTON

35-60
1130

DATE July 30, 1968

PAY TO THE ORDER OF CASH $ 25,000.00

The sum of $25000 and 00 cts. DOLLARS

PAID
AUG 1 1968
Houston, Texas

HOWARD R. HUGHES

⑆1130⑈0060⑆ 100⑈9604⑈ ⑈0002500000⑈

AUG

LOS ANGELES

LOS ANGELES

JUL

RECEIVED $25,000 CASH FOR NON DEDUCTIBLE CONTRIBUTIONS.

Robert A. Mahan - agent
Received By

7/30/68
Date

- 46, 43 - July 40,000
House 40
80

Note: from
meeting with
Bob Maher & Bill May
at Century Plaza
7/30/68

25,000 Kennedy

50,000 Nixon

50,000 Humphrey

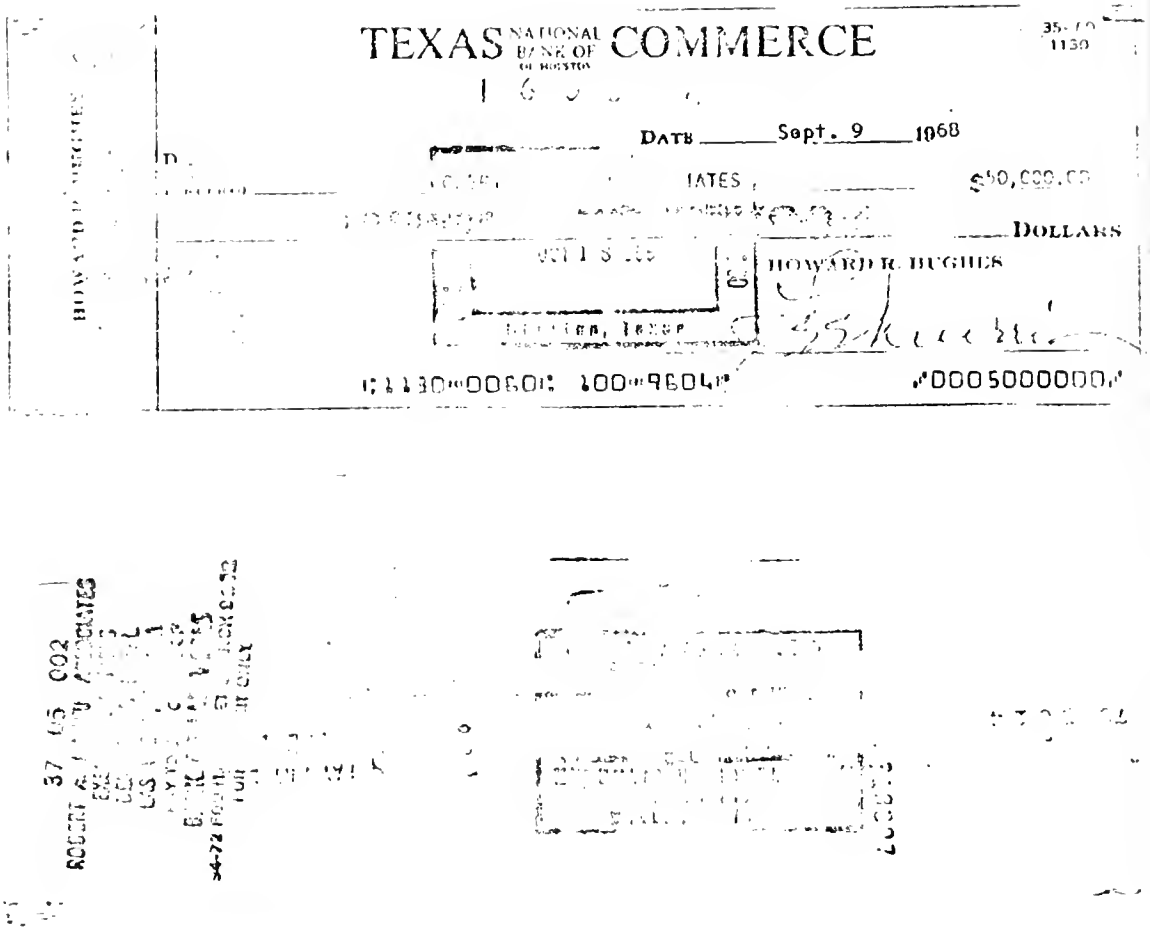
251,455.65
80
171

165,000

750,000 -
6

over

HENLEY EXHIBIT NO. 2


TEXAS NATIONAL BANK OF HOUSTON COMMERCE

DATE Sept. 9 1968

DOLLARS

HOWARD R. HUGHES

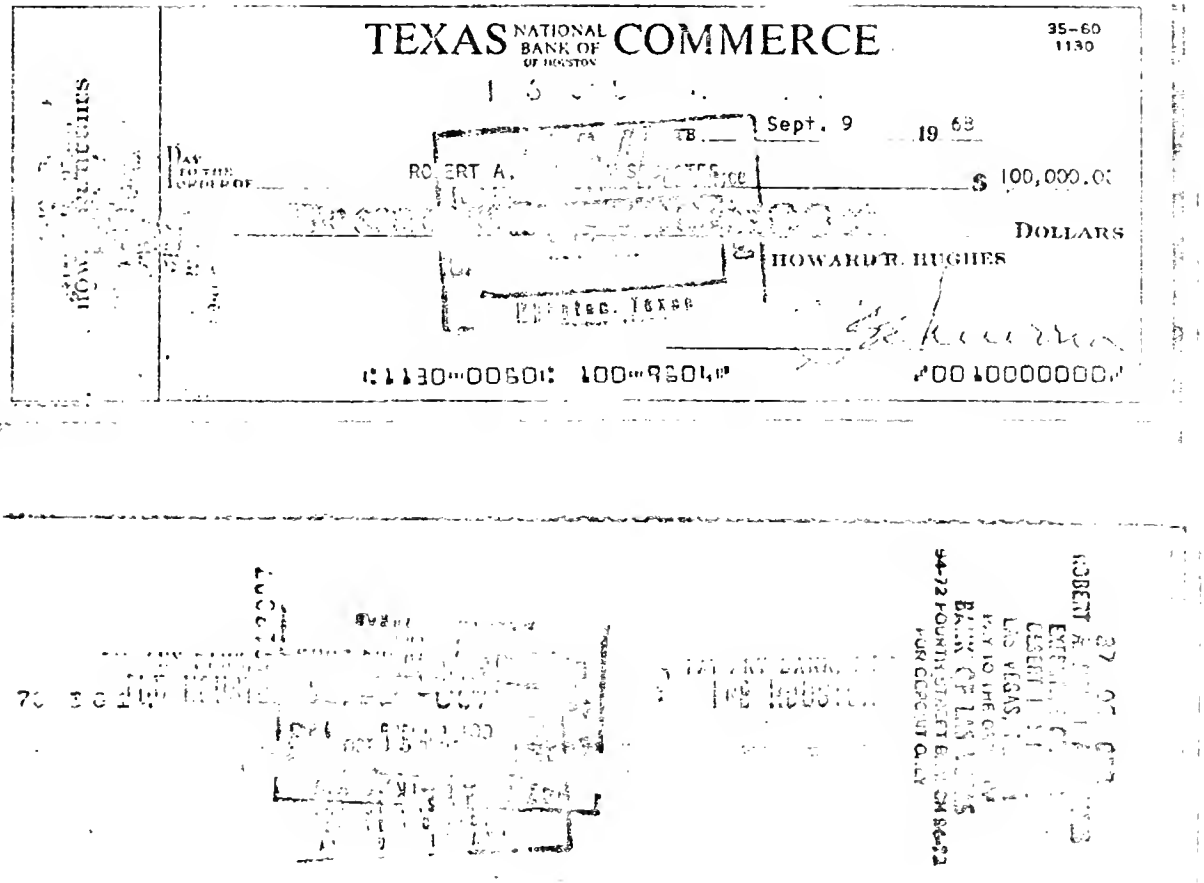
Received from Howard Hughes check in the amount of $50,000.00.

ROBERT A. MAHEU ASSOCIATES

By Robert A. Maheu — as agent

Sept. 9, 1968
(Date)

HENLEY EXHIBIT NO. 3



TEXAS NATIONAL BANK OF COMMERCE
OF HOUSTON

35-60
1130

Sept. 9 19 68

Pay to the order of ROBERT A. [illegible] $ 100,000.00

DOLLARS

HOWARD R. HUGHES

⑆1130⑉0060⑆ 100⑉9604⑈ ⑈0010000000⑈

Received from Howard Hughes check in the amount of $100,000.00.

ROBERT A. MAHEU ASSOCIATES

By Robert A. Maheu - as agent

Sept. 9, 1968
(Date)

HENLEY EXHIBIT NO. 4

HOWARD R. HUGHES

TEXAS NATIONAL BANK OF COMMERCE OF HOUSTON

35-60
1130

DATE Dec. 5, 1968

PAY TO THE ORDER OF CAS $ 50,000.00

The sum of [illegible] and [illegible] DOLLARS

HOWARD R. HUGHES

⑆1130⑈0060⑆ 100⑈9604⑈ ⑈0005000000⑈

19006

PAY ANY BANK, P.E.C.

Received $25,000.00 cash from Mr. Howard R. Hughes for non-deductible contribution.

As Agent - Robert A. Mahen

12/5/68
(Date)

Received $25,000.00 cash from Howard R. Hughes for a non-deductible contribution.

Robert A. Mahen

12/6/68

Sched'd 12/5/68
to RAM

$25,000 Cash

Sched'd 12/6/68

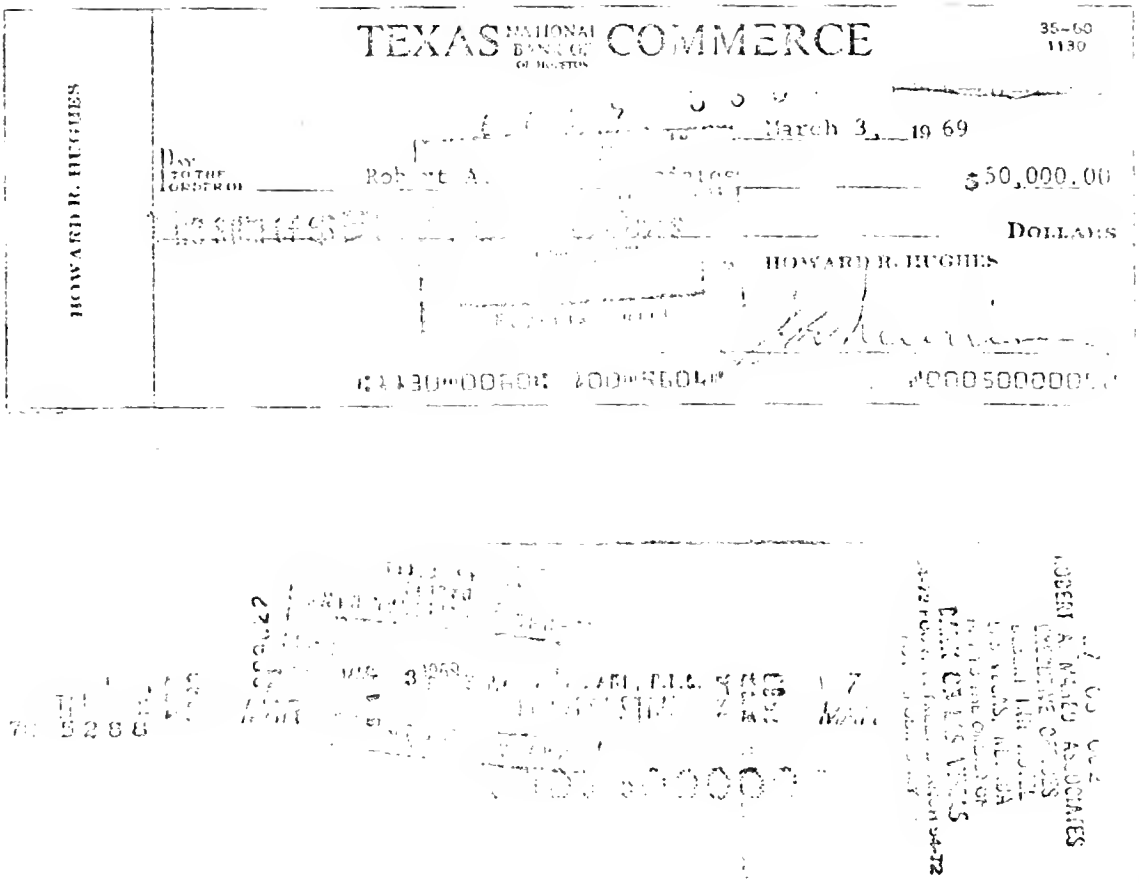
$25,000 Cash to RAM

In cash, per request
of RAM.
for State Committees.
Nixon's deficit.

Checks of 9/9/68
for (1) $100,000 & one for
(2) $50,000 to RAM.
(1) for Humphrey
(2) for Nixon

7/30/68 Cash of $25,000 to R. Kennedy Com.

HENLEY EXHIBIT NO. 5



HOWARD R. HUGHES

TEXAS NATIONAL BANK OF HOUSTON COMMERCE

35-60
1130

March 3, 19 69

PAY TO THE ORDER OF Robert A. [illegible] $50,000.00

DOLLARS

HOWARD R. HUGHES

[illegible]

[illegible]

[illegible]

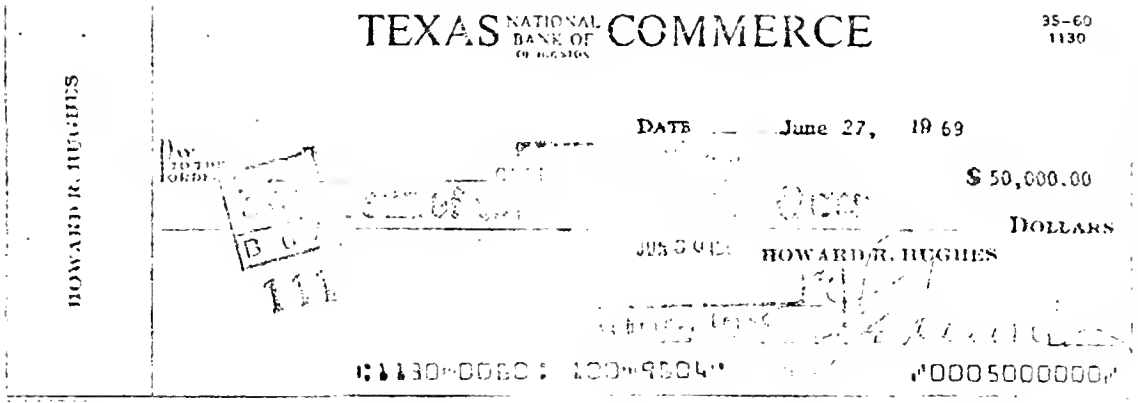
Received from Howard Hughes, check in the amount of $50,000.00 to cover reimbursement for non-deductible contributions.

Mar. 19[illegible]

(Date)

Ck drawn 3/3/69
Deliv'd by B.G.
No receipt signed – but
we have cancelled check
MH

HENLEY EXHIBIT NO. 6



TEXAS NATIONAL BANK OF COMMERCE

35-60
1130

HOWARD R. HUGHES

DATE June 27, 19 69

$ 50,000.00

DOLLARS

HOWARD R. HUGHES

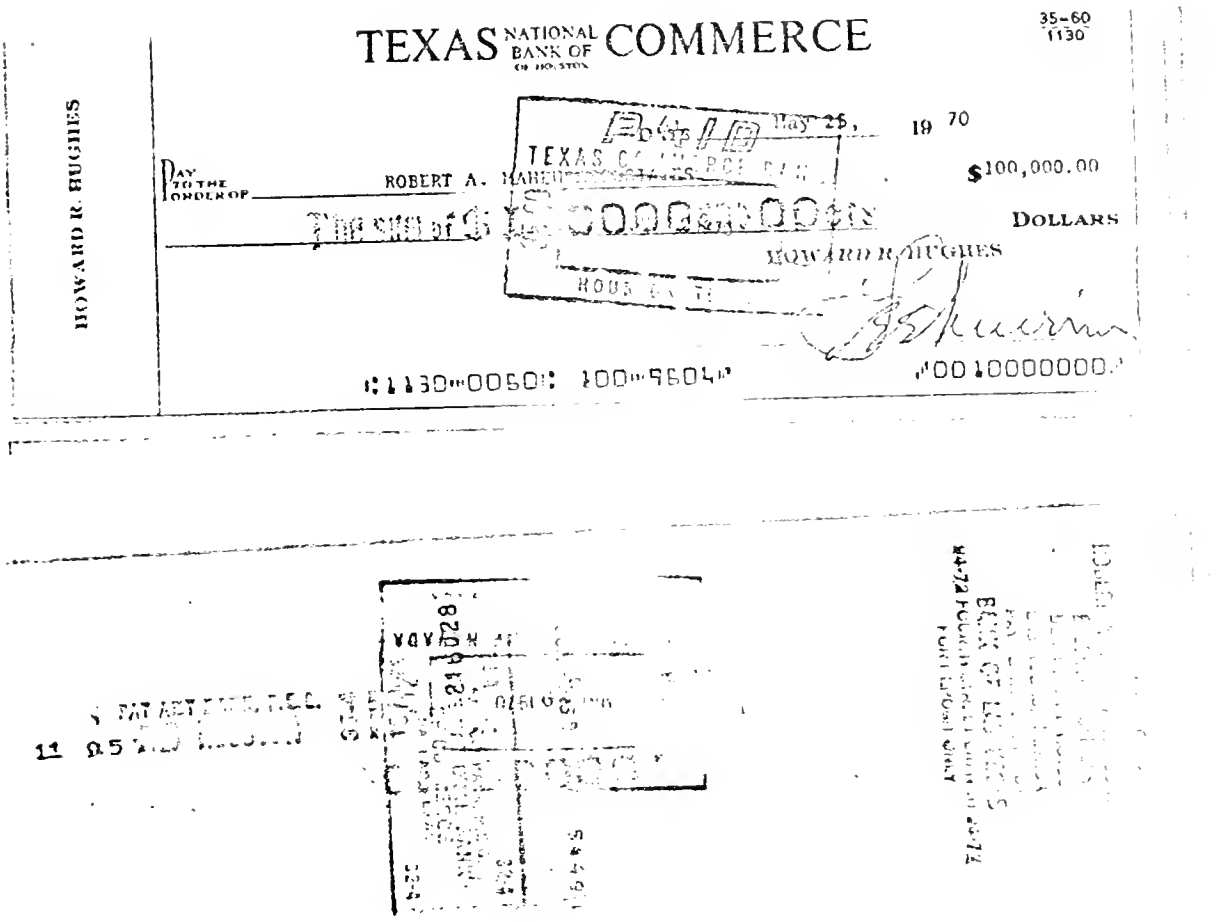
"0005000000"

Received from Howard Hughes cash in the amount of $50,000.00 for non-deductible contributions.

As Agent - Robert A. Maheu

July 11, 1969
Date

HENLEY EXHIBIT NO. 7



Received from Howard R. Hughes check in the amount of

$100,000.00, covering non-deductible contributions.

Received by _____
Robert A. Maheu Associates
May 26, 1970

(Date)

HENLEY EXHIBIT NO. 8

SAM J. ERVIN, JR., N.C., CHAIRMAN
HOWARD H. BAKER, JR., TENN., VICE CHAIRMAN
HERMAN E. TALMADGE, GA. EDWARD J. GURNEY, FLA.
DANIEL K. INOUYE, HAWAII LOWELL P. WEICKER, JR., CONN.
JOSEPH M. MONTOYA, N. MEX.
SAMUEL DASH
CHIEF COUNSEL AND STAFF DIRECTOR
FRED D. THOMPSON
MINORITY COUNSEL
RUFUS L. EDMISTEN
DEPUTY COUNSEL

United States Senate

SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
(PURSUANT TO S. RES. 60, 93D CONGRESS)

WASHINGTON, D.C. 20510

February 22, 1974

Chester C. Davis, Esq.
Davis & Cox
One State Street Plaza
New York, N.Y. 10004

Dear Mr. Davis:

This letter is to request the following documents described by Nadine Henley during the January 22, 1974, interview. Your cooperation in providing this information will be greatly appreciated.

(1) Copies of the following cancelled checks drawn from Howard Hughes' personal checking account maintained at the Texas National Bank in Houston and any other documents or records relating to such checks:

(a) Check dated July, 1968, made out to cash for $25,000. This check was cashed at the Bank of America, Hollywood branch by Nadine Henley for Robert Maheu.

(b) Check dated in September, 1968, made out to Robert Maheu Associates for $100,000.00.

(c) Check dated in September, 1968, made out to Robert Maheu Associates for $50,000.00.

(d) Check dated December 5, 1968, made out to cash for $25,000.00. This check was cashed at the Bank of America, Hollywood branch by Nadine Henley for Robert Maheu.

(e) Check dated December 6, 1968, made out to cash for $25,000.00. This check was cashed at the Bank of America, Hollywood branch by Nadine Henley for Robert Maheu.

(f) Check dated in March, 1969, made out to Robert Maheu Associates for $50,000.

(g) Check dated in July, 1969, made out to Robert Maheu Associates for $50,000.

(h) Check dated sometime in 1969, made out to Robert Maheu Associates for $50,000.

(i) Check dated in May, 1970, made out to Robert Maheu Associates for $100,000.

(2) Copy of the list compiled by the accountants for the Silver Slipper Casino detailing withdrawal of cash from the Silver Slipper.

(3) Copy of the memo dated January, 1970, from Nadine Henley to Howard Hughes concerning the withdrawal of cash from the Silver Slipper and certain discrepancies in Henley's and Maheu's books of account.

(4) Copy of the list of expenditures incurred in 1968 by Robert Maheu Associates on behalf of Howard Hughes. This list was provided to Nadine Henley by Richard Ellis in late 1969.

(5) Copy of a memo from Nadine Henley to Howard Hughes dated May, 1970. This memo was written as a follow-up to the January, 1970, memo described in the above paragraph 3.

We would appreciate receiving these documents as soon as possible, and in no case later than March 1, 1974. If there are any questions, please call me.

Sincerely,

Marc Lackritz

cc: Nadine Henley
Sol Freedman

WEDNESDAY, JUNE 12, 1974

U.S. SENATE,
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES,
Washington, D.C.

The Select Committee met, pursuant to recess, at 11:05 a.m., in room G–334, Dirksen Senate Office Building.

Present: Marc Lackritz, Robert Muse, and James Moore, assistant majority counsels; Scott Armstrong, investigator; Richard L. Schultz and Bob Silverstein, assistant minority counsels.

TESTIMONY OF RICHARD DANNER—Resumed

MR. LACKRITZ. This session is a continuation of yesterday's session with Mr. Richard Danner as the witness.

MR. MOORE. Mr. Danner, turning once again to some of the details of the money delivery in connection with your trip to Florida, whenever that was to make a delivery in Key Biscayne, do you remember whether, as part of that trip east you also traveled to Washington, D.C.?

MR. DANNER. I don't remember whether it was on that trip. I do recall one trip to Key Biscayne where I returned to Las Vegas via Washington; whether it was in connection with that one, I'm not certain.

MR. MOORE. So, your recollection is not firm on whether you went directly to Miami and back, or whether this trip involved a stop in Washington, either before or after Florida?

MR. DANNER. No.

MR. MOORE. Yesterday, Mr. Danner, in your testimony you referred to the—I believe I'm quoting it—"Lapse of time" between the deliveries. Can you give us some idea how long that lapse was?

MR. FREEDMAN. Look, he testified to this in December; he testified to the same thing yesterday. We know his responses, and we are simply going over the same ground over and over again. I think this is approaching the position where this witness is being harassed about the same thing.

MR. LACKRITZ. I think the question was solely that Mr. Danner testified before that he thought the period of time was, as I understand it, anywhere from a few months to 3 months; and Mr. Moore is only asking if that is still his testimony.

MR. FREEDMAN. He testified yesterday to the whole thing.

MR. LACKRITZ. If Mr. Danner would just answer the question it would solve the whole thing more quickly, Mr. Freedman.

MR. MOORE. Do you want me to repeat it?

MR. DANNER. I'm aware of a time lapse, the extent of which I'm unable to define more accurately. But, they were made at two different in-

tervals. Now, how far they were, I'm still in a quandry. I hate to sound evasive, but I'm not. I just can place one of the days, I can't place the other. Whether that was the first, or the second, I'm still in the dark.

Mr. MOORE. Fine. So, the lapse of time was of an unspecified duration.

Mr. DANNER. Yes.

Mr. MOORE. From weeks to months, perhaps.

Yesterday also, Mr. Danner, you mentioned the wrappers that were at least on some of the bills. Do you remember in glancing over the money, or looking at the money, whether all of it was wrapped in some fashion or other, the kinds of wrappers that banks have; was there any loose money, or any money wrapped other than in standard wrappers?

Mr. FREEDMAN. I think he testified, again, last December about what he knew about the wrappers.

Mr. LACKRITZ. The question merely was, was any money wrapped other than in bank wrappers.

Mr. FREEDMAN. And he testified to all of this.

Mr. LACKRITZ. It's a simple question, yes, or no.

Mr. FREEDMAN. You say simple, but the same thing over and over again. I don't want the witness to be in a position where you can say, on page 32 he said this, on page 168 he said something different, so, the witness is——

Mr. LACKRITZ. Are you directing him not to answer the question?

Mr. FREEDMAN. Go ahead and answer it.

Mr. DANNER. All the money was in bundles of $5,000 in a wrapper. I think I testified I had some vague recollection, somehow, Valley Bank. Now, whether that is a custom to see our money come in wrappers with Valley Bank, or whether this had it on it, I couldn't be certain. But, it was all in the straps.

Mr. MOORE. Thank you, that's what I wanted to know.

Mr. FREEDMAN. And it's my recollection that's exactly what he said in December.

Mr. MOORE. Mr. Danner, does the Hughes operation, the various casinos use the Valley Bank for financial transactions?

Mr. DANNER. Yes.

Mr. FREEDMAN. Just answer as far as you know about that.

Mr. DANNER. Well, I do know that.

Mr. FREEDMAN. All right.

Mr. DANNER. We do use the Valley Bank, certainly all the casinos I'm acquainted with.

Mr. MOORE. Mr. Danner, did Mr. Maheu tell you before you made the first delivery to Mr. Rebozo that that money was money that had been available in 1968?

Mr. FREEDMAN. I want the record to show I am making the same objection. You are going over and over again the same thing.

Mr. LACKRITZ. Mr. Freedman, if I could just make a point, the purpose for asking the question is, if you go over the transcript, this question was not previously answered; it was previously provided by Mr. Danner and referred to a conversation he had with Mr. Rebozo in the spring of 1969, not at the time of the delivery of the money in Key Biscayne, Fla.

I will be happy to be corrected if you can point me to some place in the record where the question was answered. But that question Mr. Moore was asking is directed to the delivery in Key Biscayne.

Mr. MOORE. Two questions, Mr. Danner; the first was, immediately before that delivery, did Mr. Maheu tell you that was money from 1968? And the next question is, when you made that first delivery to Mr. Rebozo, did you so represent to him that this was money that had been available in 1968?

Mr. FREEDMAN. Wait a minute, I don't like "the first delivery" because he doesn't know which was the first delivery. So, if you can restrict it to the place that would be helpful, and I think he did answer that.

Mr. MOORE. It is my understanding, and I don't have the page reference in front of me, I think it did not appear, and that specific question, to make the record clear, has not been asked before.

Mr. FREEDMAN. If I can have the question again, I would appreciate it.

Mr. MOORE. My first question, Mr. Danner, is whether you can take them by place, whether, before you made a delivery to San Clemente you were informed by Mr. Robert Maheu, or someone, Peter Maheu, perhaps, that the money was the same money available in 1968.

Mr. DANNER. My recollection——

Mr. FREEDMAN. Wait a minute, I think I can find the place.

Mr. BURNSTEIN. Can you read the question back?

[Question read.]

Mr. DANNER. I don't recall whether it was identified as the same money, but to my best recollection Mr. Maheu said the mone being the $50,000——

Mr. LACKRITZ. Robert Maheu?

Mr. DANNER [continuing]. Mr. Robert Maheu, was available any time they want it. Now, this was in a different context, when the subject of the contribution for the 1970 congressional election arose, and Maheu secured whatever authorization he had to secure, and told me that the money was available. I don't recall whether he said at that time it was the same money; but he did say the $50,000 was now available.

Now, I don't have a recollection that he said that was the same money that was obtained on a previous occasion.

Mr. FREEDMAN. Let me ask you this: Was there some reference of the money being at the cage of the Frontier; does that refresh your recollection?

Mr. DANNER. The first contribution that was made, I recall with pretty definite certainty, was a package of bills that had been in the safe deposit box in the cage at a casino.

Mr. MOORE. And that was the $50,000 to which you were just referring, that Mr. Maheu said was available?

Mr. DANNER. Yes, that would have been the first contribution.

Mr. MOORE. But, you cannot remember exactly whether he said that was the same money that had been available in 1968.

Mr. DANNER. No, I don't recall that he identified it as such. I recall my initial testimony in this field, that for some reason I had some

reason to believe that was the money that had been available in 1968, but I have nothing to go on, there is just some vague recollection that was the fact. Subsequently I recall that——

Mr. FREEDMAN. I am calling the witness' attention to the transcript of December—where is it?

Mr. BURSTEIN. Page 53 in the typewritten version, and I think he answered that question.

Are you finished with your answer?

Mr. DANNER. Yes, but the money was not in my custody and control. I was told one time by Maheu that the $50,000, referring to 1968, was still available; and there was the assumption on my part that the $50,000 I got was that same money, but I'm not certain, I did not retain the money.

Mr. MOORE. Mr. Maheu told you the money was available sometime before—what you just related as Mr. Maheu's discussion was sometime before you made the first delivery.

Mr. DANNER. Yes.

Mr. MOORE. Now, turning to the other delivery that came not from the Frontier cage but some other source, did you have a similar conversation with Mr. Maheu, or with anyone else, in which any discussion was made about this money in connection with 1968?

Mr. DANNER. No.

Mr. MOORE. When you visited Key Biscayne—excuse me, I'll give you a chance to read the transcript.

Mr. DANNER. All right, what was your question?

Mr. MOORE. Mr. Danner, to conclude this, two quick questions. When you visited Key Biscayne and made the $50,000 delivery to Mr. Rebozo, do you remember saying anything to Mr. Rebozo about this money being connected in any way with the 1968 money?

Mr. DANNER. No, I have no recollection.

Mr. MOORE. No recollection of saying to him this was money available in 1968?

Mr. DANNER. No, I don't.

Mr. FREEDMAN. Now, wait, you had a previous discussion with him.

Mr. DANNER. Here is the thing that I want to make clear. One of the deliveries, the first one, was the money that we are talking about having been raised in1968; whether it was the same money, I can't say, of course, because it had not been in my custody and control.

The second delivery of $50,000 was new money that had been raised, or put together specifically for the purpose of making the second installment.

Mr. FREEDMAN. But my question is, before you made the first delivery, did you have a conversation with Mr. Rebozo that the $50,000 that constituted the first installment was in effect the same $50,000 that was to have been made to the 1968 campaign?

Mr. DANNER. Yes, I recall I told him the $50,000 that was offered in 1968 was still available if they wanted it.

Mr. FREEDMAN. And when you made the first delivery you didn't say, "Now, remember, this is what I told you sometime before, the same $50,000."

Mr. DANNER. I don't recall that I ever said, "This is the same money," the pledge. Let's call it a "pledge" of $50,000 made in 1968, or offered in 1968, still existed, "here is the money."

Now, as I said, they could have substituted other money, I don't know.

Mr. MOORE. Do you remember whether you reaffirmed that pledge to Mr. Rebozo in a telephone call, or in a personal visit to Key Biscayne?

Mr. DANNER. I don't recall.

Mr. MOORE. And I gather from what you just said, there was no similar representation made by you regarding a second delivery to Mr. Rebozo; you gave no indication to him that had any connection with 1968, the second delivery.

Mr. DANNER. No. That 1968 money had been disposed of.

Mr. FREEDMAN. By "disposed of" you mean had been delivered.

Mr. DANNER. Had been delivered.

Mr. MOORE. And one final question, do you have any understanding when you refer to 1968 money about when—are you referring back to the visit you were talking about yesterday, the Washington and then the New York trip, that planned delivery that did not work out?

Mr. DANNER. Yes.

Mr. MOORE. That's your reference?

Mr. DANNER. Yes.

Mr. MOORE. Thank you.

Mr. SCHULTZ. Let me get some clarification so I understand it. At some point after 1968 you advised Mr. Rebozo, whether on the phone, or whether in a meeting, that the commitment of $50,000 was still available.

Mr. DANNER. Yes.

Mr. SCHULTZ. You know that, or you were told that this $50,000 which was committed in 1968 was still available and constituted the $50,000 as far as you know, in the first delivery.

Mr. FREEDMAN. The same cash?

Mr. SCHULTZ. Well, so far as he knows this is the same commitment, or——

Mr. DANNER. I think my best recollection, the way it was stated to me was, the pledge of the $50,000 made in 1968 still exists.

Mr. SCHULTZ. Still exists.

Mr. DANNER. Now, if you want it, it's available. Now, whether it was the money that was put together in 1968 I don't know.

Mr. SCHULTZ. So, at the time of the first delivery, whether or not it was in San Clemente or Key Biscayne, you in fact fulfilled that commitment by delivering $50,000.

Mr. DANNER. That is correct.

Mr. SCHULTZ. And you don't know whether or not the first delivery was at San Clemente or Key Biscayne.

Mr. DANNER. That's my problem.

Mr. SCHULTZ. And you did not discuss at the delivery, either place, that this is in fact the same $50,000 we were talking about in 1968.

Mr. FREEDMAN. You mean the same, exactly the same currency?

Mr. SCHULTZ. Right.

Mr. DANNER. Let me get this straight. You mean did I identify that as the same money?

Mr. FREEDMAN. Well, you see the problem when you say "the same money."

Mr. SCHULTZ. This is where it's getting difficult.

Mr. FREEDMAN. That's why I suggest you talk about the same currency.

Mr. SCHULTZ. That's a good suggestion.

Mr. FREEDMAN. That's the first one today.

Mr. DANNER. To my recollection. "Here is the first $50,000 of the $100,000 pledge."

Mr. LACKRITZ. All right, Mr. Danner, have you ever been to either 500, or 516 Bay Lane, Key Biscayne?

Mr. FREEDMAN. Can you identify what that is, whose house?

Mr. LACKRITZ. President Nixon's.

Mr. DANNER. Let me start with 490 Bay Lane, the house immediately south was the one that Smathers owned. I have been in that house when Smathers owned it. I have not been in the house since the President took it over.

Mr. LACKRITZ. All right. There is another house located in the same neighborhood, down the block, 516 Bay Lane, which the President uses as an office. Have you visited that home?

Mr. DANNER. No.

Mr. LACKRITZ. When you visited Mr. Rebozo at his home, have you stayed at 490 Bay Lane?

Mr. DANNER. Yes.

Mr. LACKRITZ. And you had no occasion, during those visits, to go next door to the President's home?

Mr. DANNER. I have seen it. I have seen the grounds, but I don't recall ever having been in the house after he took it over.

Mr. LACKRITZ. Are you aware of the major improvements that were made to the house at 500 Bay Lane, either by private contractors or by Government officials?

Mr. FREEDMAN. I don't see what this has to do with the 1972 campaign. It may have to do with some other things, but I don't see that it has anything to do with the 1972 campaign.

Mr. LACKRITZ. Well, it has to do with the 1972 campaign only as far as funds which may have been raised for the 1972 campaign may have been used to pay for some of the improvements.

Mr. FREEDMAN. If you want to ask him that, ask him that.

Mr. LACKRITZ. Well, I am laying a foundation, Mr. Freedman, to see if he knows of any improvements that were made. If he knows of no improvements that were made——

Mr. FREEDMAN. It's notorious, the improvements that were made there.

Mr. LACKRITZ. Any personal knowledge, or if he observed improvements being made.

Mr. DANNER. I was told by Rebozo that they had put an antishark net in the bay; they put in a helicopter pad; extensive security electronic equipment had been installed into the yard and in the house. The extent of the remodeling, refurnishing, decorations, I don't recall ever having that described to me.

Mr. LACKRITZ. Did Mr. Rebozo indicate to you that he was acting as agent for President Nixon in making some of those improvements?

Mr. DANNER. No, I don't recall he took credit.

Mr. LACKRITZ. Did he ever indicate to you he expended any personal funds, or other funds in his custody or control to make such improvements in the residence of the President?

Mr. DANNER. No, he——

Mr. FREEDMAN. You answered the question.

Mr. DANNER. No, he did not. Well, as an aside, he did remodel his own house.

Mr. LACKRITZ. Were you aware what kind of refurnishing he did to his own home?

Mr. DANNER. He put in a new kitchen; he extended the front of the house to put in a den, or an office; he remodeled his living room and refurnished it.

Mr. LACKRITZ. So, these were extensive improvements.

Mr. FREEDMAN. He described what it is.

Mr. LACKRITZ. All right, I'll retract the question.

Did he put in a fireplace in his home, do you recall?

Mr. DANNER. It always had a fireplace.

Mr. LACKRITZ. All right. And do you have any knowledge if any of the funds that were raised for the campaign of 1972 went to pay for the improvements to Mr. Rebozo's house?

Mr. DANNER. No.

Mr. LACKRITZ. You have no knowledge of that?

Mr. DANNER. No.

Mr. LACKRITZ. OK. Mr. Danner, do you know a gentleman by the name of Tony Whitaker?

Mr. DANNER. Tony Whitaker?

Mr. LACKRITZ. I will identify him for the record. He is the special agent in charge of the President with the FBI in Miami.

Mr. DANNER. I have heard of him. I have never met him.

Mr. LACKRITZ. You never personally met him?

Mr. DANNER. No.

Mr. LACKRITZ. Did you ever talk to him on the telephone?

Mr. DANNER. No. I don't have any recollection ever having any contact with him.

Mr. LACKRITZ. In the 1968 campaign your position was with the Florida Democrats for Nixon; is that correct?

Mr. DANNER. I was with the Committee To Elect Nixon-Agnew, some name like that, which was located and operating out of Washington. I was, you might say, detached from that in the early fall, and assigned to Fort Lauderdale headquarters to organize and direct the Democrats for Nixon campaign.

Mr. LACKRITZ. I see. Do you have any knowledge of any payments that the Florida for Nixon made to Mr. Rebozo, following the 1968 campaign?

Mr. DANNER. No, I was not involved in any finances.

Mr. FREEDMAN. You asked that yesterday.

Mr. LACKRITZ. So, you were not aware of any payment of $6,000 by that committee to Rebozo, if it occurred?

Mr. FREEDMAN. He just said he doesn't know.

Mr. LACKRITZ. I asked him specifically on that question.

Mr. DANNER. No.

Mr. LACKRITZ. Mr. Danner, did Mr. Rebozo ever ask you for legal advice, or legal counsel about whether or not to return money, in 1973?

Mr. DANNER. You mean during the discussion of that money?

Mr. LACKRITZ. Yes.

Mr. DANNER. No. I think it was I who suggested the possibility of his discussing the matter with an attorney and find out what would be the best way, from his standpoint; but I never suggested anyone, and he didn't comment on it.

Mr. LACKRITZ. When you suggested that he consult legal counsel, did he indicate to you that he already had spoken with legal counsel?

Mr. FREEDMAN. He answered that yesterday.

Mr. DANNER. No.

Mr. LACKRITZ. He did not?

Mr. DANNER. No.

Mr. LACKRITZ. Now, Mr. Danner, in your previous testimony, on pages 42 and 43 of the testimony given on December 18, 1973, you testified that your conversations with Mr. Rebozo about a contribution after the 1968 election occurred in April or May 1969, sometime in that area. On line 14 you said, "I would say it started in our conversation, I was in frequent contact with Rebozo, about April or May, sometime along in there."

Mr. DANNER. Yes.

Mr. LACKRITZ. I take it that is still your testimony?

Mr. DANNER. That is still my best recollection, yes.

Mr. FREEDMAN. Now, wait a minute——

Mr. LACKRITZ. I'm just going to refresh Mr. Danner's——

Mr. FREEDMAN. Just a minute. His testimony is exactly now as it was on December 18, 1973.

Mr. LACKRITZ. Correct.

Mr. FREEDMAN. With respect to what appears in the transcript of December 18, 1973, is that it?

Mr. LACKRITZ. I'm asking him if his recollection is the same today as it was on December 18 when he testified.

Mr. DANNER. Yes.

Mr. LACKRITZ. OK. Now, having testified these discussions with Mr. Rebozo about a contribution began in April or May 1969. Showing you again your letter from Mr. Rebozo on May 19, 1969, which is exhibit 22 from yesterday's session. I would like to ask you, Mr. Danner, if those matters to which Mr. Rebozo refers in his letter had anything to do with your discussions with Mr. Rebozo at about that same time concerning contributions from Mr. Hughes?

Mr. FREEDMAN. Wait a minute, I will let him answer the question, but I must object to the characterization of what you said about the nature of his previous testimony. With that understanding, answer the question.

Mr. DANNER. As I testified yesterday, I am at a loss to recall what the subject matter refers to, whether it had to do with money, people projects, I don't know. The only one that would know would be Mr. Rebozo.

Mr. LACKRITZ. And your recollection of those conversations concerning the possibility of a contribution in April or May 1969 does not refresh your recollection about the substance of this letter.

Mr. DANNER. No.

Mr. LACKRITZ. In the fall of 1971, Mr. Danner, were you informed by either Mr. Rebozo or any other individual of the investigation that Newsday was doing on Mr. Rebozo?

Mr. DANNER. I don't recall the time. I know that I was aware that Newsday was conducting an investigation; whether it was in that period I don't recall.

Mr. LACKRITZ. Do you recall how you were informed of this?

Mr. DANNER. I don't know if someone from Newsday called me, or I just heard it through mutual friends that they were conducting an investigation.

Mr. LACKRITZ. Did Mr. Rebozo ever seek your advice, or counsel in terms of what he should do in response to that investigation?

Mr. DANNER. No.

Mr. LACKRITZ. Did you ever learn if any action was taken by either Mr. Rebozo or the White House in response to that investigation?

Mr. DANNER. No. I recall he——

Mr. FREEDMAN. You answered the question when you said no.

Mr. LACKRITZ. Well, do you recall if Mr. Rebozo explained to you his reaction; did he explain to you anything about the investigation?

Mr. FREEDMAN. What period of time?

Mr. LACKRITZ. The period of time in summer and fall of 1971.

Mr. DANNER. Yes; he thought it was very unfair; this thing had been going on for months and failed to disclose anything, and that it was just constant harassment.

Mr. LACKRITZ. Did he say at the time if he was going to take any further action concerning the investigation?

Mr. DANNER. No; he was just upset over the fact that they continued to investigate him.

Mr. LACKRITZ. Do you recall traveling with Mr. Rebozo on any occasion on the De Havilland jet of the Hughes Tool Co.?

Mr. FREEDMAN. He testified about that in December.

Mr. LACKRITZ. We had subsequent testimony by the pilot of the plane. I am just wondering if Mr. Danner's recollection is at all refreshed by any subsequent events.

Mr. FREEDMAN. Now, wait a minute. First, the pilot testified before Mr. Danner, that's the first item.

The second item, we never got the transcript of the pilot's testimony. I don't know how he could have been refreshed by something that we didn't have.

Mr. LACKRITZ. Well, what I am asking, Mr. Danner, if you have anything to add to your prior testimony concerning traveling on the De Havilland with Mr. Rebozo.

Mr. DANNER. I testified that on one occasion——

Mr. FREEDMAN. In other words, you testified at great length, is there any reason to change that?

Mr. DANNER. No.

Mr. FREEDMAN. OK. I don't want you to say again what you said 6 months ago, and maybe there is something that is a little different, and then you will be accused of inconsistencies.

Mr. LACKRITZ. Well, do you recall more than one occasion when you would have traveled with Mr. Rebozo on the De Havilland? I'm just asking the question; yes or no.

Mr. FREEDMAN. Look, you took him down every single trip that was reflected in——

Mr. LACKRITZ. In the travel records that were submitted.

Mr. FREEDMAN. The travel records that were furnished by the pilot.

Mr. LACKRITZ. That's not correct, Mr. Freedman. The record will speak for itself; but clearly, we did not.

Mr. FREEDMAN. So, for once I'm wrong.

Find the testimony that he testified to on the De Havilland trip.

Mr. LACKRITZ. I don't recall that I did.

Mr. DANNER. Yes, you did.

Mr. LACKRITZ. Well, then, could you repeat your recollection in terms of when you traveled on the De Havilland with Mr. Rebozo?

Mr. FREEDMAN. If you have whatever you have from the De Havilland, if you have itemization that shows that Mr. Danner was on the De Havilland, that might be helpful to him.

Mr. LACKRITZ. Well, the only itemization that I could use to refresh your recollection, there is testimony that Mr. Rebozo traveled with you and Maheu down to Florida in February of 1970.

Mr. FREEDMAN. And that doesn't mean that it's right. Does that help you?

Mr. DANNER. The thing I do recall is a trip we made from Miami to Nassau on the De Havilland. Now, whether he came from Las Vegas to Miami, I don't recall.

Mr. FREEDMAN. Let me reflect that, maybe I can help you. Remember there was an astronaut in Las Vegas?

Mr. DANNER. Yes.

Mr. FREEDMAN. And you flew him to Melbourne, and apparently Mr. Rebozo was with you? I'm not sure whether Mr. Rebozo was with you. And then you went to Miami, and my recollection is you said that you and Mr. Rebozo——

Mr. DANNER. And Mr. Maheu.

Mr. FREEDMAN. And Mr. Maheu then went to the Bahamas?

Mr. LACKRITZ. To Nassau.

Mr. FREEDMAN. Does that help, do you recall that trip?

Mr. DANNER. Yes, I recall that trip, but I don't remember whether Bebe was on that trip from Miami to Melbourne, to Florida.

Mr. FREEDMAN. I'm sure he testified, if we can find it——

Mr. LACKRITZ. The astronaut was Mr. Cernan, Eugene Cernan.

Mr. FREEDMAN. That's the name of the astronaut?

Mr. LACKRITZ. That's right. Do you recall if Mr. Rebozo was on that flight?

Mr. DANNER. No, I don't.

[Discussion off the record.]

Mr. LACKRITZ. Back on the record.

Mr. ARMSTRONG. Mr. Danner, subsequent to June 17, 1972, the date of the break-in at the Democratic National Committee headquarters of the Democratic National Committee in the Watergate office building, did you ever discuss the subject of that break-in with Mr. Rebozo?

Mr. DANNER. No, I don't recall any specific discussion on the break-in.

Mr. ARMSTRONG. Do you recall any Watergate-related discussions, aside from the $100,000 contribution?

Mr. FREEDMAN. I don't know what you mean.

Mr. ARMSTRONG. Matters generally referred to in the context of the Watergate. Mr. Danner said he didn't recall any discussions specifically on the break-in. I thought he might have recalled something.

Mr. FREEDMAN. Well, if you ask him a specific item, it might refresh his recollection. Everybody has been talking about the Watergate, even I.

Mr. ARMSTRONG. Well, I am asking him whether he had any discussions with Mr. Rebozo.

Mr. DANNER. If you are asking me do I recall any specific conversation, the answer is "No."

Mr. ARMSTRONG. I suppose you had no discussions about the break-in prior to June 17.

Mr. DANNER. No.

Mr. ARMSTRONG. At any time did Mr. Rebozo discuss with you, or mention the need for a legal defense fund for the defendants?

Mr. DANNER. No.

Mr. ARMSTRONG. Or the potential need for legal defense funds for White House employees?

Mr. DANNER. No.

Mr. ARMSTRONG. Did he ever mention to you that a legal defense fund had been, or was being created?

Mr. DANNER. No.

Mr. ARMSTRONG. Or that he had funds which he was willing to make available for the legal defense of former employees of the Government?

Mr. DANNER. No.

Mr. ARMSTRONG. Do you recall a period of time prior to May 20, 1973—excuse me, subsequent to May 20, 1973, do you recall Mr. Rebozo trying to reach you from Saranac Lake in New York?

Mr. DANNER. No, I don't recall getting a call from that area, no.

Mr. ARMSTRONG. Do you recall if he ever indicated he was on a trip with Mr. Abplanalp and Mr. Griffin?

Mr. DANNER. No, I don't recall any such discussion.

Mr. ARMSTRONG. Have you ever had any discussion of the Hughes $100,000 contribution with Mr. Griffin or Mr. Abplanalp?

Mr. DANNER. No, sir.

Mr. ARMSTRONG. Can you tell us, subsequent to the election on November 5, 1968, what discussions you had with Mr. Edward Morgan regarding the Hughes contribution to Mr. Rebozo?

Mr. DANNER. That matter was pretty well dropped, as I previously testified, after Mr. Rebozo refused to take the money in 1968.

Mr. ARMSTRONG. OK.

Mr. FREEDMAN. Excuse me. You are not certain whether in 1968, whoever Mr. Abplanalp went to see—whoever Mr. Rebozo went to see, whether he actually had the money, or whether there were discussions about delivery of the money. You don't know which it was, do you?

Mr. DANNER. No.

Mr. FREEDMAN. In other words, you don't know whoever was supposed to talk about the money, or give the money, or actually had the money; or whether there were supposed to be further discussions about how the money was to be delivered; you don't know which, is that correct?

Mr. DANNER. That's correct.

Mr. ARMSTRONG. But, can you say definitively since November 5, 1968, you have had no discussions with Mr. Morgan on that subject?

Mr. DANNER. No, I can't say we had no discussions. I don't recall any.

Mr. ARMSTRONG. Do you recall if Mr. Morgan ever related to you a meeting he had with Mr. Kalmbach early in 1971, the spring of 1971, in which he asked Mr. Kalmbach if any campaign group had received a contribution from Mr. Hughes in 1969–70?

Mr. DANNER. No, I have no recollection of such discussion.

Mr. ARMSTRONG. You don't recall Mr. Morgan relating to you any details that would indicate he had such a meeting?

Mr. DANNER. No.

Mr. ARMSTRONG. Did Mr. Morgan ever indicate to you that as far as the Republican National Committee, or the Finance Committee to Re-Elect the President, or other campaign groups were concerned that they never received a contribution from Mr. Hughes?

Mr. DANNER. Can you repeat the question?

Mr. FREEDMAN. Let the reporter read it.

[Question read.]

Mr. FREEDMAN. If you understand the question, answer it; if you don't understand it, say so.

Mr. DANNER. No, I don't understand the question. Did Morgan ever tell me—what is the period of time?

Mr. ARMSTRONG. I'll repeat the question.

Has Mr. Morgan ever told you that the Republican National Committee, or the Finance Committee To Re-Elect the President, or some other campaign group, Republican campaign organization, has indicated that they never received Mr. Hughes' $100,000 contribution?

Mr. DANNER. No.

Mr. ARMSTRONG. Have you had any contact with Mr. Morgan since our last session on the 20th of December, 1973?

Mr. DANNER. Yes.

Mr. ARMSTRONG. Tell us when that was, sir.

Mr. DANNER. I think the most recent one was a couple of weeks ago when he was in Las Vegas and called me, just to visit; he was out there on business.

Mr. ARMSTRONG. And was there a discussion at that time about Mr. Hughes' contribution?

Mr. DANNER. No.

Mr. ARMSTRONG. And have you had any other contact with him since December 20, 1973?

Mr. DANNER. Yes. We have had several discussions having to do with his representation of a group of which I am a member, concerning an application that he is handling.

Mr. ARMSTRONG. An application for the FCC?

Mr. DANNER. Yes.

Mr. FREEDMAN. The Federal Communications Commission.

Mr. ARMSTRONG. But there have been no discussions of the Hughes $100,000 contribution.

Mr. DANNER. I have no recollection of discussing that at all.

Mr. ARMSTRONG. And can you tell us what discussions you had with Mr. Herman Greenspun regarding the Hughes $100,000 contribution?

Mr. FREEDMAN. What period of time?

Mr. ARMSTRONG. From July 1, 1968, to the present.

Mr. DANNER. July 1, 1968?

Mr. ARMSTRONG. From the time when the original contribution was—I don't even know if you knew Mr. Greenspun at that time.

Mr. DANNER. Well, I knew him after the story broke. I see him occasionally in Las Vegas, and I am sure the subject matter has been discussed; he repeatedly mentioned it in his column in his newspaper. But, there has never been any discussion that I recall where there were any details discussed.

Mr. ARMSTRONG. You say you have discussed it with him after the story broke. Are you referring to when it broke in the Anderson column in August of 1971?

Mr. DANNER. No. I don't recall if it was after the Anderson column, or after the story broke at some later date about the contribution. I don't recall what time it came up.

Mr. ARMSTRONG. Well, has Mr. Greenspun ever asked you whether or not the contribution to your knowledge was used for the purchase of San Clemente?

Mr. DANNER. No.

Mr. ARMSTRONG. Has he ever asked you whether to your knowledge the contribution was used for the personal use of the President?

Mr. DANNER. No.

Mr. ARMSTRONG. OK. Tell us, have you had any discussions regarding the Hughes contribution with Senator Smathers since December 20, 1973, since our last session?

Mr. DANNER. Yes, I think I have seen him—I think I saw him in January of this year.

Mr. FREEDMAN. And did you discuss the $100,000 Hughes contribution?

Mr. DANNER. The subject came up, yes.

Mr. ARMSTRONG. And can you tell us, what was the discussion at that time?

Mr. DANNER. Well, that I had been called upon by a number of agencies to testify concerning the contribution. He was aware of the details, naturally, having read it many times; and there was no question about whether I handled it.

Mr. ARMSTRONG. Did you discuss with Senator Smathers at that time, or at any other time since December 20, 1973, any of the conflicts between statements you have made to this committee, and statements that Rebozo allegedly made to this committee?

Mr. DANNER. I was not aware of any statement Rebozo made to the committee.

Mr. ARMSTRONG. Have you ever asked Senator Smathers to contact Mr. Rebozo for you?

Mr. DANNER. No.

Mr. ARMSTRONG. And to your knowledge, has Mr. Rebozo ever asked Senator Smathers to contact you for him?

Mr. DANNER. No.

Mr. ARMSTRONG. Have you had any contact with Mr. Rebozo since December 20, 1973?

Mr. DANNER. December 20?

Mr. ARMSTRONG. That is the date of our last session.

Mr. DANNER. No.

Mr. ARMSTRONG. Have you had any contact with Mr. Rebozo through third parties since December 20, 1973?

Mr. FREEDMAN. Mr. Lenzner asked that yesterday.

Mr. ARMSTRONG. Are you aware of any investigations which have been conducted by the Summa Corp., or the Hughes Tool Co., related to the $100,000 contribution?

Mr. FREEDMAN. Answer that yes or no.

Mr. DANNER. No.

Mr. ARMSTRONG. Have you ever had any discussions with Mr. Golden regarding the Hughes $100,000 contribution—Mr. James Golden—to Mr. Rebozo?

Mr. DANNER. Yes.

Mr. ARMSTRONG. Let's go off the record for a moment.

[Discussion off the record.]

Mr. ARMSTRONG. Can you tell us what these discussions were?

Mr. FREEDMAN. Could we have a time reference, first on this?

Mr. ARMSTRONG. Since July 1, 1968.

Mr. DANNER. July 1——

Mr. ARMSTRONG. Just tell us what those discussions were.

Mr. FREEDMAN. Well, I'd like to get a time reference.

Mr. ARMSTRONG. Can you tell us what those discussions were?

Mr. FREEDMAN. Incidentally, who is James Golden?

Mr. DANNER. Jim Golden, at the time you are referring to, was the director of security for the Summa Corp. stationed in Las Vegas. I'm not certain whether the discussion occurred after the Jack Anderson column, or later on, after the initial interview with IRS, the IRS agents in Houston.

Mr. ARMSTRONG. Can you tell us what the discussion was?

Mr. FREEDMAN. I don't know about that. That is the work product of the organization.

Mr. ARMSTRONG. Well, had Mr. Golden indicated at that time he had been asked by some attorney for Summa Corp. to discuss the contribution?

Mr. DANNER. No, that was not in the sense of an inquiry. We were having lunch, or something like that, and I told him about it. He was well aware of it, and I told him my involvement. I'm certain it was after the interview of the IRS—I'm not certain, but that is my best recollection.

Mr. ARMSTRONG. Which would have been in May of 1972?

Mr. DANNER. If that's when the interview took place.

Mr. ARMSTRONG. And was Mr. Golden familiar with the details of the contribution prior to your discussion with him?

Mr. FREEDMAN. Now, wait a minute, only if you knew, you know.

Mr. DANNER. No, I don't know.

Mr. ARMSTRONG. Off the record.

[Discussion off the record.]

Mr. ARMSTRONG. Back on the record.

Did Mr. Golden at any time in that discussion, or any other time indicate he had visited Mr. Rebozo in December of 1970?

Mr. FREEDMAN. He answered that yesterday.

Mr. ARMSTRONG. That's a different question. You just heard what he said, and obviously I didn't ask the question related to that, I am asking a question about a specific trip that Mr. Golden——

Mr. FREEDMAN. Don't your notes indicate that Mr. Danner said that he doesn't know whether or not Mr. Golden ever discussed that with Mr. Rebozo?

Mr. ARMSTRONG. That was not my question, yes, he did say that. But I asked a different question.

Mr. FREEDMAN. Well, I missed one.

Mr. DANNER. What is the question?

Mr. ARMSTRONG. The question is, Mr. Danner, were you aware of a visit that Mr. Golden made to visit Mr. Rebozo in December of 1970.

Mr. FREEDMAN. Assuming he made such a visit.

Mr. DANNER. He told me he had made such a visit.

Mr. ARMSTRONG. And what did he say happened on that occasion?

Mr. DANNER. That he discussed with Mr. Rebozo my position at the time shortly after the change of administration in the Hughes organization; that I was in a precarious position, but so far nothing had happened insofar as I was concerned.

Mr. ARMSTRONG. Did he indicate any questions he put to Mr. Rebozo?

Mr. DANNER. No, he didn't tell details of the conversation.

Mr. ARMSTRONG. Did he indicate whether he sought information of any type from Mr. Rebozo?

Mr. DANNER. No.

Mr. FREEDMAN. You don't even know if they discussed the $100,000; is that it?

Mr. DANNER. That didn't enter into it at all, as I recall.

Mr. ARMSTRONG. You have no information that would indicate Mr. Golden did ask Mr. Rebozo about the $100,000 contribution, is that correct?

Mr. FREEDMAN. He just answered that very specific question. Answer it again, Mr. Danner.

Mr. DANNER. Not to my recollection.

Mr. ARMSTRONG. And did Mr. Golden ever indicate to you that he had any discussions with Rose Mary Woods regarding the $100,000 contribution?

Mr. DANNER. No.

Mr. ARMSTRONG. Did Mr. Golden ever indicate to you it was his understanding Mr. Rebozo was going to deny that he received the Hughes $100,000 contribution?

Mr. FREEDMAN. That was gone into yesterday. Go ahead.

Mr. DANNER. Did he ever make that statement to me?

Mr. ARMSTRONG. Yes.

Mr. DANNER. No.

Mr. ARMSTRONG. OK. Do you recall any specific individual who made that statement to you?

Mr. FREEDMAN. That was gone into yesterday.

Mr. LACKRITZ. No.

Mr. DANNER. There was a rumble, a rumor emanating from Jim Golden, as I understand, something to the effect this money had never been delivered.

Mr. ARMSTRONG. And how did that rumor come to you, sir?

Mr. DANNER. I don't recall from what source I heard it.

Mr. ARMSTRONG. Do you know how you learned it was emanating from Mr. Golden?

Mr. DANNER. In the rumor the story was that he had made the statement that the $100,000 had not been delivered.

Mr. FREEDMAN. Had not been delivered by you?

Mr. ARMSTRONG. And did the rumor indicate on what knowledge, or what authority Mr. Golden made that statement?

Mr. DANNER. No.

Mr. ARMSTRONG. Was this rumor prior or subsequent to the conversation with Mr. Golden about the meeting that he had with Mr. Rebozo in December of 1970?

Mr. FREEDMAN. Can we go off the record?

[Discussion off the record.]

Mr. ARMSTRONG. At whatever date Mr. Golden discussed with you his meeting with Mr. Rebozo in December of 1970, was it prior to or subsequent to that date, that is the day of the meeting discussed between you and Mr. Golden, that this rumor—that you first recall this rumor?

Mr. DANNER. My best recollection——

Mr. FREEDMAN. Excuse me. There is a fact in there about when Mr. Golden saw Mr. Rebozo, and I'm not sure——

Mr. ARMSTRONG. That is a fact Mr. Danner testified to not 5 minutes ago.

Mr. DANNER. Yes. My recollection was that the rumor came to me sometime later in 1972, the inference being that Mr. Golden had information to the effect the money had never been delivered.

Mr. ARMSTRONG. Did you ever discuss that rumor with Mr. Golden?

Mr. DANNER. No.

Mr. ARMSTRONG. Did you ever discuss it with anyone else?

Mr. DANNER. Perhaps I did, I don't recall with whom I may have.

Mr. ARMSTRONG. Did you have discussions with Mr. Peloqurs about that?

Mr. DANNER. No, I can't recall any.

Mr. ARMSTRONG. Any employee of Intertel?

Mr. DANNER. No.

Mr. ARMSTRONG. Did you have any such discussions with Mr. Winte?

Mr. DANNER. Yes, I think I did.

Mr. ARMSTRONG. Can you tell us about that discussion?

Mr. FREEDMAN. Wait a minute, as a result of something that counsel for Summa Corp. asked Mr. Winte to do?

Mr. DANNER. I don't know.

Mr. ARMSTRONG. Let me ask you this, sir, can you tell us when that discussion took place?

Mr. DANNER. I still think this was during the period between my initial interview with IRS and the correction of the deposition.

Mr. ARMSTRONG. So, sometime between May 1972 and July 1973?

Mr. DANNER. Yes.

Mr. ARMSTRONG. Can you tell us if it was between May 1972 and May 1973 when you met with Mr. Rebozo in Washington?

Mr. DANNER. That would have been much prior to that.

Mr. ARMSTRONG. Closer to May of 1972?

Mr. DANNER. Yes.

Mr. ARMSTRONG. Can you tell us where you had that discussion with Mr. Winte?

Mr. DANNER. In Las Vegas.

Mr. ARMSTRONG. Can you tell us what the setting was?

Mr. DANNER. As I recall I was complaining, or explaining to Mr. Winte——

Mr. FREEDMAN. Just answer the question.

Mr. DANNER. Let me explain it. That I couldn't understand why Golden, if he had made this statement, could have made it when it was well known that I had acknowledged having delivered the money, and Mr. Rebozo had acknowledged having received it. And that I wondered why he hadn't taken the pains to check out this rumor if he in fact had started it.

Mr. ARMSTRONG. And you brought this up to Mr. Winte, then?

Mr. DANNER. Yes.

Mr. ARMSTRONG. And did Mr. Winte indicate to you he was investigating the matter for Summa Corp.?

Mr. DANNER. No.

Mr. ARMSTRONG. Can you tell us what Mr. Winte's reaction was to your statement about Mr. Golden?

Mr. DANNER. My recollection is that he felt the same reaction as I had, why would anyone put out a rumor like this when it was so easy to verify.

Mr. ARMSTRONG. And did Mr. Winte indicate that he had taken steps to verify it?

Mr. DANNER. I don't recall whether he said anything along that line or not.

Mr. ARMSTRONG. Was Mr. Winte familiar, prior to your conversation, with the details of the transaction?

Mr. FREEDMAN. If you know.

Mr. DANNER. I don't know.

Mr. ARMSTRONG. I mean, don't give information you don't know about.

[Discussion off the record.]

Mr. FREEDMAN. At the time when this rumor started, allegedly attributable to Mr. Golden, was Mr. Golden still employed by Summa Corp.?

Mr. DANNER. The best I can recall, he had left the organization and gone to Atlanta first, then to Washington; and I had heard of this rumor having emanated from him. In the meantime Winte had replaced him.

Mr. FREEDMAN. OK.

Mr. ARMSTRONG. Do you know if Mr. Winte took any action as a result of your conversation?

Mr. DANNER. No.

Mr. ARMSTRONG. Now, have you had any discussions regarding the Hughes $100,000 contribution with your son Robert, Robert Danner?

Mr. DANNER. Richard, Jr.; I do have a Robert.

Mr. FREEDMAN. Which one is it?

Mr. ARMSTRONG. I think I am referring to Robert.

Mr. DANNER. That is my younger son.

Mr. ARMSTRONG. Is this son married to——

Mr. DANNER. Oh, yes.

Mr. ARMSTRONG [continuing]. Mr. Golden's sister-in-law?

Mr. DANNER. Yes.

Mr. ARMSTRONG. Have you had any conversation with Robert regarding the Hughes $100,000 contribution?

Mr. DANNER. I think on one occasion I explained it to both of them, the nature of them. It had been reported in the press and I told them the story on it, as far as my involvement was concerned.

Mr. ARMSTRONG. Was this subsequent to the Jack Anderson article in 1971?

Mr. DANNER. Yes.

Mr. ARMSTRONG. And was it prior to Mr. Rebozo's contacting you in May of 1973?

Mr. DANNER. Yes.

Mr. ARMSTRONG. Can you place it any more precisely in time?

Mr. DANNER. Well, my recollection was that after that article appeared, there was considerable conversation about it, and I felt I owed them the parental duty to explain what the circumstances were because understandably they were upset, not knowing the full meaning of the incident.

Mr. FREEDMAN. Mr. Armstrong, is there any allegation by any member of the staff or the committee that Mr. Danner did not deliver the money? Because otherwise I don't understand what this is all about. Really, I'm completely perplexed, who said what to whom, some rumor, explanations?

Mr. SILVERSTEIN. I was wondering when you were going to ask that question.

Mr. ARMSTRONG. Let's go off the record.

[Discussion off the record.]

Mr. SILVERSTEIN. Back on the record, now.

Mr. FREEDMAN. I want to object to this line of inquiry.

Mr. LACKRITZ. Why don't you state your objection for the record.

Mr. FREEDMAN. My objection to this line of inquiry, it is complete harassment by the committee, he testified he delivered the money—it's complete harassment of the witness to ask about rumors. He testified at great length about rumors, I think it's enough.

Mr. ARMSTRONG. I believe the record will show my question was about a conversation Mr. Danner had with his son Robert Danner shortly after the Jack Anderson article in August of 1971; and we were discussing at that time the rumor Mr. Golden had allegedly been spreading about Mr. Rebozo not having the money.

Mr. FREEDMAN. And the witness testified, I don't know whether he wants that on the record or not, he testified he felt that he owed it to his family to explain exactly what had happened; and he did so. All right, go ahead.

Mr. ARMSTRONG. Mr. Danner, was your discussion that you had with your son Robert and other members of your family—did you explain to them fully the details involving the contribution?

Mr. DANNER. I didn't go into any details.

Mr. ARMSTRONG. Did any of the information you gave them conflict with your testimony before this committee?

Mr. DANNER. No, sir.

Mr. ARMSTRONG. Let's take a recess.
Mr. LACKRITZ. We'll recess for 5 minutes.
[Recess.]
Mr. ARMSTRONG. Back on the record.
Mr. Freedman, you wanted to state an additional objection.
Mr. FREEDMAN. I'll save it for the end.
Mr. ARMSTRONG. Mr. Danner, you testified previously——
Mr. FREEDMAN. Where?
Mr. ARMSTRONG. The first day of testimony, Tuesday, December 18, at page 112, that early in 1971 you reported to the board of Directors the fact that a contribution—the members of the board of directors, including Mr. Collier, Mr. Holliday, and Mr. Gay; and in your testimony of Wednesday, December 19, page 15, you stated that you particularly called Mr. Gay, you told Mr. Davis at that time, or at your next meeting with them about the contribution.
Mr. FREEDMAN. Well, I think the transcript will show what it does show; I'm not sure your characterization is right. Go ahead.
Mr. ARMSTRONG. Can you tell us if at that time, Mr. Danner, you would have indicated to Mr. Davis, Mr. Gay, Mr. Holliday, and Mr. Collier that the purpose of the contribution was to support various Senate and congressional political campaigns?
Mr. DANNER. Did I tell them that?
Mr. ARMSTRONG. Yes.
Mr. DANNER. I don't recall that I did. My best recollection was—I'm saying my best recollection is that I did tell them the nature and purpose of the contribution.
Mr. FREEDMAN. Incidentally, on that same page 15, on lines 7, 8, and 9 Mr. Danner answered he later discussed the matter in detail with Chester Davis and Bill Gay.
Mr. ARMSTRONG. And one of the details you discussed with them was the purpose for which the contribution was given, which was, it was given for the 1970 congressional campaign?
Mr. DANNER. Yes.
Mr. ARMSTRONG. OK. Now, did at any time subsequent to that, did either Mr. Davis or Mr. Gay indicate that the contribution was an authorized contribution from Mr. Hughes?
Mr. DANNER. I don't recall them ever having commented on that.
Mr. ARMSTRONG. Have you ever commented on any discussions that they have had, or anyone else was having with Mr. Hughes, regarding this contribution?
Mr. FREEDMAN. If you know.
Mr. DANNER. No, I don't know.
Mr. ARMSTRONG. And to your knowledge, has Mr. Davis had any contact with any representatives of Mr. Rebozo, or Mr. Rebozo, other of course than his contact with Mr. Gemmill?
Mr. FREEDMAN. If you know.
Mr. DANNER. I don't know.
Mr. ARMSTRONG. And to your knowledge, has Mr. Gay had any contact with Mr. Rebozo or representatives of Mr. Rebozo?
Mr. DANNER. I don't know.

Mr. ARMSTRONG. Now, at any time, Mr. Danner, have you received any information from any individual that the Federal Reserve Board, or any other Government agency was checking out the dates of issue, or distribution of the $100 bills involved in the contribution?

Mr. FREEDMAN. Wait a minute, other than general rumors, if you know of anything to that effect.

Mr. DANNER. I think I read that much in the newspapers.

Mr. ARMSTRONG. Have you ever had any discussions with any individuals, relating to the dates of issue, or the dates of distribution of those bills?

Mr. FREEDMAN. What individuals do you have in mind, Mr. Armstrong?

Mr. ARMSTRONG. Have you ever had any discussions with Mr. Rebozo, or representatives of Mr. Rebozo?

Mr. DANNER. No.

Mr. ARMSTRONG. Have you had any discussions with any agents, employees, or representatives of Mr. Hughes, or Hughes Tool Co. on that subject?

Mr. FREEDMAN. I'm going to advise him not to answer that because that is within the organization. If he has had any discussion with counsel, that is privileged. Next question.

Mr. ARMSTRONG. Have you had any discussions with anyone other than counsel for the Summa Corp. on that subject?

Mr. DANNER. This was a matter of general discussion. It was reported on almost daily in the press, the efforts to check the bills. Now, did I sit down and talk to anyone, did anyone interview me, was I queried on it, the answer is no.

Mr. FREEDMAN. General topic.

Mr. DANNER. Right.

Mr. ARMSTRONG. Well, did you ever receive any specific information that the Federal Reserve Board in terms of the bills—that some of the bills did not check out?

Mr. FREEDMAN. From whom did he get that information?

Mr. DANNER. Well, I never received any such information.

Mr. ARMSTRONG. Then we won't ask from whom he got it.

Have you ever had any discussions with Mr. Rebozo regarding the Internal Revenue Service's investigation of Mr. Rebozo's part in the contribution, or his return?

Mr. DANNER. As I previously testified, we talked about his interview with IRS shortly after the one that I had in 1972.

Mr. FREEDMAN. This again is another illustration of asking the witness the same question that was asked before.

Mr. ARMSTRONG. Well, Mr. Freedman, if you tell us where that testimony can be found?

Mr. FREEDMAN. Can we go off the record?

Mr. ARMSTRONG. Sure.

[Discussion off the record.]

Mr. ARMSTRONG. We were talking about talking with Mr. Rebozo about your interview with IRS.

Mr. DANNER. He had been interviewed.

Mr. FREEDMAN. It is my recollection yesterday the question was put both ways.

Mr. SCHULTZ. I agree, but not both ways. The question was posed yesterday, did you discuss with Mr. Rebozo the inconsistencies he may have had; and he said, "I don't know of any inconsistencies," however, they got into the change of the dates. After your interview you called him and he said, no, that wasn't when it was.

Mr. DANNER. The one thing I recall having said about the discussion with Rebozo after the interview with the IRS, and I'm certain it was after his because I remember him saying they were the same two agents that talked to me that came down to Miami and talked to him, Skelton and Lebar.

And that's when he told me he was certain, positive that Maheu had not been present during either delivery; and I corrected my testimony to that effect.

Mr. ARMSTRONG. So, this conversation was on May 20, 1973, or May 18, 1973?

Mr. DANNER. No, I would say during the mid or late summer of 1972.

Mr. ARMSTRONG. Well, Mr. Rebozo hadn't been interviewed at that time.

Mr. DANNER. He had been interviewed shortly after I had.

Mr. FREEDMAN. From what you understand, is that right?

Mr. DANNER. That was my understanding.

Mr. ARMSTRONG. Did you have any discussions with him after May 10, 1973, regarding the Internal Revenue's investigation of this matter?

Mr. DANNER. No. I think the first conversation I had with him during that period was that one in May of 1973 in the Madison Hotel at which time he told me the money had not been used, and he wanted to return it.

Mr. ARMSTRONG. Well, did he indicate at that time what action, if any, Internal Revenue Service was taking with regard to the matter?

Mr. DANNER. It seems to me I recall that they were——

Mr. FREEDMAN. What he said.

Mr. DANNER. He said they were satisfied with his explanation.

Mr. ARMSTRONG. And did you have any discussion with Mr. Rebozo subsequent to that, regarding the Internal Revenue Service?

Mr. DANNER. After May of 1973?

Mr. ARMSTRONG. Yes.

Mr. DANNER. No.

Mr. ARMSTRONG. And have you had any discussions with any other individuals regarding the Internal Revenue Service's action in this matter, after May of 1973?

Mr. FREEDMAN. Just yes, or no.

Mr. DANNER. Yes.

Mr. ARMSTRONG. And can you tell us with whom that was?

Mr. DANNER. That was with Rebozo calling me relative to setting up a meeting to effect the delivery, return of the money, culminating in the telephone call from Rebozo in his attorney's office in Philadelphia; resulting in my making arrangements for them to call Chester Davis, and handle it through him.

Mr. ARMSTRONG. What discussion occurred on that occasion, relating to the IRS?

Mr. DANNER. I don't recall any discussion concerning IRS.

Mr. ARMSTRONG. I'm sorry. The question was, after May of 1973 what discussions did you have with any individual regarding the Internal Revenue Service's concern with the Hughes contribution, its receipt or return?

Mr. DANNER. I can't recall any conversation regarding the IRS.

Mr. FREEDMAN. I'm going to object to this line of questioning. It is obvious it has nothing whatsoever to do with the function of this committee, if this committee is functioning as an adjunct of the IRS, to make some determination by the IRS. I think it's entirely out of place. I think this committee or staff ought to let the IRS conduct its own investigation, unless the committee is investigating the IRS; and I don't think that's part of the resolution creating this committee.

Mr. ARMSTRONG. Now, Mr. Danner, do you recall when you first met Ralph Winte?

Mr. DANNER. No, I don't recall the date. It was shortly prior to the time he was employed by Summa Corp.

Mr. ARMSTRONG. And what was your understanding of Mr. Winte's duties from that time forward, with the Summa Corp.?

Mr. FREEDMAN. Wait a minute; don't guess, unless you know.

Mr. DANNER. Well, he had the title of director of the administrative services, some title of that sort.

Mr. ARMSTRONG. And do you know what his duties were, sir?

Mr. DANNER. Generally, he related to me, he was charged with security, security investigations, personnel investigations, assisting the hotels and casino in some of their security problems, drafting security regulations, policies.

Mr. ARMSTRONG. Can you tell us when you first became aware of any contact Mr. Winte had with Mr. Howard Hunt?

Mr. FREEDMAN. If you know.

Mr. DANNER. My best recollection is he told me about that after he was first subpenaed by the Watergate Committee.

Mr. ARMSTRONG. In other words, it would have been subsequent to your meetings and subsequent to the return of the money by Mr. Rebozo to the Hughes Tool Co., subsequent to June 1973?

Mr. DANNER. Well, you would have to give me the date because it was after the subpenas were issued, as I recall, that would have been what, November of 1973?

Mr. ARMSTRONG. Can you tell us what Mr. Winte said on that occasion?

Mr. FREEDMAN. I don't know about that.

Mr. DANNER. I don't recall the exact conversation. This was the reason for his subpena, that he had been contacted by someone; I don't know who it was. And I don't even know if he told me that in Las Vegas, or some other place.

Mr. ARMSTRONG. And did he tell you what action, if any, he was taking as a result of his meeting with the Committee To Re-Elect the President, or the White House; whether it was with Mr. Hunt, or Mr. Liddy?

Mr. FREEDMAN. I don't understand the question—what Mr. Winte did, contacted Mr. Hunt?

Mr. ARMSTRONG. What he did as a result of this meeting Mr. Danner referred to.

Mr. FREEDMAN. I still don't understand the question.

Mr. BURSTEIN. Did Mr. Winte relate to you what he did after he met with Mr. Hunt; is that what you are asking?

Mr. ARMSTRONG. That's what I'm asking Mr. Danner, exactly.

Mr. DANNER. The conversation, as I recall—he said that he declined having anything to do with it.

Mr. FREEDMAN. With Mr. Hunt and Mr. Liddy, is that it?

Mr. DANNER. Right, and their request.

Mr. ARMSTRONG. Did Mr. Winte indicate that he discussed that with any other agent, representative or employee of the Hughes Tool Co., or the Summa Corp.?

Mr. DANNER. He immediately reported the contact to the executive committee of Summa Corp.

Mr. ARMSTRONG. And did he indicate in what form—was that in a meeting, an executive meeting?

Mr. DANNER. I don't know how it came about, but they had emphatically agreed that he had handled the matter properly and were glad he didn't have anything to do with it.

Mr. ARMSTRONG. Who are the members of the executive committee of the Summa Corp.?

Mr. FREEDMAN. If you know, Mr. Danner.

Mr. DANNER. Well, we deal primarily with Mr. William Gay, I believe he is the chairman of the executive committee. I'm not certain I want to try to state who the other members are.

Mr. ARMSTRONG. Did Mr. Winte indicate he talked with Mr. Gay on the subject?

Mr. DANNER. Whether he mentioned him by name I don't recall, but that he did discuss the matter with the executive committee, the contact; and what his reaction was to it.

Mr. ARMSTRONG. Between the time that Mr. McCord testified about an alleged plan to break into the safe of Herman Greenspun, which I believe Mr. McCord testified to in May of 1973, and the time that the subpenas were issued in November of 1973, did you discuss Mr. McCord's testimony or the subject of the break-in with anyone?

Mr. DANNER. Did I?

Mr. ARMSTRONG. Yes.

Mr. DANNER. Oh, it was a topic of conversation; it sounded to me like a screwball thing. But, I don't recall having seriously discussed it with anyone.

Mr. ARMSTRONG. Well, had you discussed it with Mr. Winte prior to your discussion during, or after November of 1973?

Mr. DANNER. I don't recall. I'm confused as to what timing. I did have a conversation with Winte, he did tell me about this contact. Just when it occurred—I seem to recall it was after he had been subpenaed.

Mr. ARMSTRONG. And did you have any discussion with Mr. Gay on the subject, the subject of Mr. McCord's testimony, the alleged break-in plan, to break into Mr. Greenspun's safe?

Mr. FREEDMAN. I'll let him answer the question, but I'm going to object.

Mr. DANNER. Well, yes. This matter was discussed within the organization, the absurdity of the whole thing, the fact that it got wide-

spread publicity and in no way involved any member of the Summa Corp. In fact, we were at a loss as to why, what they were trying to do, other than malign the organization.

Mr. ARMSTRONG. When was this conversation?

Mr. DANNER. These took place over a period of time, I couldn't set any dates.

Mr. ARMSTRONG. Did Mr. Gay indicate in conversation that he had spoken with Mr. Winte shortly after Mr. Winte's meeting with Mr. Hunt?

Mr. DANNER. No.

Mr. ARMSTRONG. Did you ever discuss the subject with Mr. Chester Davis?

Mr. FREEDMAN. Just answer yes, or no.

Mr. DANNER. Yes.

Mr. ARMSTRONG. Can you tell us when that was?

Mr. FREEDMAN. I object to that, that comes under the lawyer-client privilege.

Mr. ARMSTRONG. Well, was that related to Mr. Davis' representation of you here today, sir?

Mr. FREEDMAN. Whatever it was, when he discusses this with Mr. Davis——

Mr. ARMSTRONG. Well, every conversation that Mr. Davis and Mr. Danner had isn't privileged, is it, Mr. Freedman?

Mr. FREEDMAN. No; if they ask about a drink or something, that is not privileged; but I think something where Mr. Davis was making an investigation, then I think that is privileged.

Mr. LACKRITZ. Mr. Freedman, I think, however, you have to admit that Mr. Davis and Mr. Danner had discussions where Mr. Davis was not acting in the capacity as legal counsel to Summa Corp., and that will not be privileged.

Mr. FREEDMAN. Mr. Davis was making an investigation, and that is why he asked Mr. Danner questions; and that is privileged.

Mr. LACKRITZ. That was not the point, or the question that was raised, Mr. Freedman. The point I raised was obviously Mr. Danner and Mr. Davis had a discussion in which Mr. Davis was not acting in the capacity of counsel for the Summa Corp.

Mr. FREEDMAN. Mr. Danner doesn't necessarily know all the nuances, of when the person is or is not acting as counsel. So, I instruct him not to answer.

Mr. ARMSTRONG. Well, why don't we find out when the conversation was, Mr. Freedman.

Tell us when the conversation was.

Mr. DANNER. I have no way of placing it.

Mr. ARMSTRONG. Can you tell us if you had more than one conversation on that subject with Mr. Davis?

Mr. DANNER. May I go off the record for a minute?

Mr. FREEDMAN. Wait a minute, don't go off the record and tell them something you shouldn't be telling them.

Mr. DANNER. No; I'm just saying people do read the newspapers, and this has been, as you know, a topic of great conversation and publicity.

[Discussion off the record.]

Mr. DANNER. All right, what was the question?

[Question read.]

Mr. DANNER. Yes; there were a number of conversations not only covering this subject, but other facets of the Watergate investigation——

Mr. FREEDMAN. Now, don't describe what Mr. Davis said of the investigation.

Mr. DANNER [continuing]. As reported in the news media; they were not in the context of his querying me, or seeking my advice or counsel, just a topic of conversation which, as far as my experience, most people who read the newspapers do discuss, cocktail parties, various other functions, meet on the street.

Now, to fix any date, or what was said on any different occasion would be impossible. The details and individuals—I have no recollection of having singled out any single person for discussion.

Mr. FREEDMAN. Now, I am going to object to this line of questioning, obviously Mr. Danner was not—were you present when Mr. Hunt and Mr. Liddy allegedly asked Mr. Winte about whatever it is the committee thinks occurred, were you present then?

Mr. DANNER. No, sir.

Mr. FREEDMAN. All right, then obviously this is complete hearsay, and I don't see how this committee can rely in any way upon that kind of testimony being relevant and probative testimony, appropriate testimony to draw any kind of conclusion.

Mr. ARMSTRONG. Well, your objection is noted. The committee ruled on that issue, and I'm sure they can——

Mr. FREEDMAN. Tell me where the committee ruled on it because it is my recollection this is the first time I ever objected on that ground.

Mr. LACKRITZ. I think it is my recollection this is the first time he has ever objected on that ground.

Mr. FREEDMAN. So, therefore, if the committee has already ruled on it, I would like to see it in the context——

Mr. ARMSTRONG. The committee ruled on the admissibility of evidence of this nature.

Mr. FREEDMAN. Let's not characterize it as evidence. If you want to talk about questioning the witness and obtaining answers, that's not necessarily evidence.

Mr. ARMSTRONG. Mr. Danner, can you tell us if any discussions you had with Mr. Davis indicated Mr. Davis had specific information about the factual nature of the alleged meeting between Mr. Winte and Mr. Hunt?

Mr. DANNER. No.

Mr. ARMSTRONG. It indicated that Mr. Davis did not have any specific information?

Mr. FREEDMAN. He answered the question.

Mr. ARMSTRONG. I'm trying to figure out what his answer means.

Mr. FREEDMAN. Well, he answered your question.

Mr. DANNER. You asked me if he had any factual information, and the answer is, "No, I do not know."

Mr. ARMSTRONG. Do you know if Mr. Winte discussed this contact with Mr. Hunt, or Mr. Liddy with anyone other than you, any other individuals other than you and Mr. Gay?

Mr. DANNER. No, I do not know.

Mr. LACKRITZ. Off the record.

[Discussion off the record.]

Mr. LACKRITZ. Back on the record.

All right, Mr. Danner, as I recall your testimony, and I don't have any specific page reference, but in general, paraphrasing your testimony, in December of 1973 when you appeared before the Select Committee you testified about the two $50,000 contributions that you were responsible for transmitting to Mr. Rebozo had no relationship whatsoever to the subsequent—excuse me, to the approval by former Attorney General Mitchell of the acquisition of the Dunes by Hughes Tool Co.

Mr. FREEDMAN. Now, wait a minute, whatever he testified to, he testified to.

Mr. LACKRITZ. I know that, and I'm not about to go into any great detail. My only question is, have you ever testified in any other forum that there was some relationship between the two $50,000 contributions and the approval of the acquisition of the Dunes Hotel?

Mr. DANNER. No, sir.

Mr. LACKRITZ. And have you ever testified in any other forum, differently from what that testimony was in December?

Mr. DANNER. No, sir.

Mr. LACKRITZ. Have you ever told a different version to any other individual?

Mr. DANNER. No, sir.

Mr. LACKRITZ. I have no further questions.

Mr. SCHULTZ. I have two. Do you have knowledge whether or not the Dunes was acquired by the Summa Corp.?

Mr. DANNER. It was not.

Mr. FREEDMAN. He answered that before.

Mr. ARMSTRONG. Since January 1, 1969, Mr. Danner, have you had occasion to meet with Herbert Kalmbach?

Mr. DANNER. I think I have met him on three different occasions during the period, of let's say, up to this year.

Mr. ARMSTRONG. And when were those, sir?

Mr. DANNER. As I recall, the first occasion was in December of 1970, I was at the Frontier Hotel. He was visiting Las Vegas, came by, called on me; visited, told me who he was. We had many mutual friends, including Bebe Rebozo.

The second occasion was at a dinner party at Gen. Ed Nigro's house at Las Vegas. He was there, and so were other couples, including Del Webb and his wife.

And the third was, I ran into him at Ed Nigro's funeral in Las Vegas, which was earlier this year, I guess.

Mr. ARMSTRONG. And on any of these occasions, did you discuss campaign contributions with Mr. Kalmbach?

Mr. DANNER. No.

Mr. ARMSTRONG. Did he attempt to solicit any funds for any purpose from you?

Mr. DANNER. No.

Mr. ARMSTRONG. At any time, did he elaborate, or did you have discussions with him regarding any specifics of your relationship with Mr. Rebozo, other than just mutual friends?

Mr. DANNER. No.

Mr. SCHULTZ. I have no further questions.

Mr. ARMSTRONG. Thank you very much.

Mr. FREEDMAN. I want to say something on the record and take a recess and discuss something with the witness.

It seems to me the entire testimony today virtually all was repetitious of what has gone before. I think it's complete harassment of the witness, trying to catch him in an inconsistency to what he said on previous occasions before this committee; and some of it was obviously not for the purpose of effecting legislation, particularly that part that dealt with——

Mr. DANNER. The IRS.

Mr. FREEDMAN. Oh, yes, the information that dealt with what he did, what information was given to the Internal Revenue Service by Mr. Danner; and whatever Mr. Rebozo told Mr. Danner about his conversation with investigators of the IRS. I don't see how any of that can possibly effect legislation because whether or not to adopt legislation, whether or not the money was delivered or not delivered, and the investigation of the IRS can't possibly have anything to do with what appropriate legislation ought to do.

Thank you.

Now I would like to have a short recess, I would like to discuss something with the witness outside.

Mr. ARMSTRONG. Let me just respond on the record, it is clearly our feeling that the questions today were not repetitive; that the relevance of the general areas and in that sense the specific questions to the legislative mandate of this committee are as to legislative recommendations that will be obvious when the committee issues its final report.

Mr. FREEDMAN. And I always hear, well, he can answer the questions because if they don't tie up it then becomes immaterial, so therefore you ask irrelevant questions; and always, well, you'll find out in a couple of months what if anything we do with the testimony, and then it becomes clear. It's supposed to be clear at the time the questions are asked, not at some certain date.

Mr. LACKRITZ. Mr. Freedman, I think your objection is clear on the record; and we appreciate Mr. Danner's testimony this morning.

We'll take a short recess.

[Recess.]

Mr. LACKRITZ. Back on the record. I would like the record to note that the witness and his counsel have returned from their session in the hall.

I would also like the record to note that, Mr. Danner, in case you discover any further correspondence in your offices, either at the Frontier, or Sands, or the Desert Inn that has not previously been provided to the committee, the record will remain open to receive that evidence that you may turn over in the future.

Mr. DANNER. I understand.

Mr. LACKRITZ. Mr. Freedman, is there anything you would like to add to the testimony of Mr. Danner prior to closing the record?

Mr. FREEDMAN. In fairness to the witness because some of your questions about the Dunes brought up the question, one of the questions I think Mr. Armstrong asked was whether he testified any differently before any other tribunal, or it was Mr. Lackritz, whether he testified before any other tribunal otherwise than which he testified

before this committee with respect to the discussions to do with the acquisition of the Dunes, with respect to the Dunes.

Mr. Danner did testify before the Security and Exchange Commission that it was his impression and his recollection at the time when he made his trip to Washington. Now, Mr. Danner——

Mr. DANNER. Mr. Lenzner took me through this in detail, page 52 of the interview on December 19, at which time I told him. Mr. Lenzner reminded me that in an interview in Las Vegas I mentioned the name McLaren. "Do you recall telling us that in Las Vegas." I said that I was mistaken. I never asked for a letter. "Do you recall telling us that?"

"I don't remember."

"Do you recall telling us Mr. McLaren told you it would be unnecessary, the Department of Justice would not file a law suit."

"Yes, but thinking the matter over in more detail my best recollection is now, the Attorney General was the one who related the information to me."

What I meant to say, I do not now remember who it was who was in there, whether there were other people present; I have no clear recollection. I seem to recall there was someone else in the office. I may have told you or Mr. Lenzner, McLaren, because he occurred to me, and I'm guessing. The Attorney General might have said, "We will refer that to McLaren and get his judgment on the matter." And that is now my best recollection.

Mr. FREEDMAN. And to the extent you testified otherwise before the Securities and Exchange Commission, what you testified before this committee is your best effort; and what you testified otherwise before the Securities and Exchange Commission, that was incorrect.

Mr. DANNER. That's correct.

Mr. LACKRITZ. Fine. Are there any other additions, or corrections?

Mr. FREEDMAN. Not at the moment.

Mr. LACKRITZ. Fine. We'll go off the record.

[Discussion off the record.]

Mr. LACKRITZ. Back on the record.

Mr. FREEDMAN. I understand, Mr. Lackritz decided to have Mr. Davis here this afternoon?

Mr. LACKRITZ. Yes, we would like to take testimony from Mr. Winte and Mr. Davis. However, Mr. Davis yesterday gave me a copy of a letter dated June 11, 1974, requesting that Mr. Winte's testimony be given at a public session. I am hopeful we can get this matter solved this afternoon in time to take testimony from Mr. Winte by the end of today.

I am also hopeful that in the interim, while we are waiting for the determination of that request, we will be able to take testimony of Mr. Davis. And therefore I hope we can take Mr. Davis' testimony this afternoon.

Mr. FREEDMAN. All right, we are back to Mr. Davis' business engagements in various matters.

[Whereupon, at 1:12 p.m., the committee recessed until 2:30 p.m. on the same day.]

AFTERNOON SESSION

Mr. ARMSTRONG. This is a continuation of the executive session of December 4, at which Senator Ervin presided. Mr. Davis continues under oath. Mr. Freedman?

Mr. FREEDMAN. All the other objections we had previously, with respect to Mr. Davis' testimony as well as the other witnesses, are still existent, we still press them. And I think Mr. Davis wishes to advise the staff of the committee and the committee itself of certain developments we just entered.

TESTIMONY OF CHESTER C. DAVIS, ACCOMPANIED BY SOLOMON FREEDMAN AND LAWRENCE BURSTEIN, COUNSEL

Mr. DAVIS. The record should reflect, Mr. Lackritz, that today in the Federal court in Los Angeles, in the court of Judge Pregerson where the major litigation is now in progress, the announcement was made by the clerk of Judge Pregerson in open court that he had received a call from Robert Muse, M-u-s-e, of your staff, of the staff of this committee, advising the court that he had available testimony which I was required to give in executive session with respect to political contributions to Mr. Humphrey.

My understanding that the court inquired as to the nature of what Mr. Muse was offering to provide, I do not understand the basis for the Senate committee or its staff to actively interfere in private litigation pending in the Federal court, much less do I understand the justification for Mr. Muse's conduct which I consider not only highly improper if not illegal, but also despicable.

Now, I think the record should also reveal, Mr. Lackritz, that Mr. Muse saw fit to appear and attend a portion of yesterday's proceedings in this very room. I do not know at whose invitation Mr. Muse attended, but I want to reemphasize on the record that I am here under protest, that I believe that my rights have been infringed upon by the conduct of the staff and of the committee, and that I am proceeding only because of the coercive attitude of the staff and of the committee—threatening me with contempt of the Senate for attempting to exercise my legal rights. You may now proceed.

Mr. LACKRITZ. All right, if I may interject, Mr. Davis, after your comments, I would like to take a brief recess off the record.

[Discussion off the record.]

Mr. LACKRITZ. We have just made an effort to locate Mr. Muse so that he could come into this executive session and respond to the allegations that have just been raised by Mr. Davis. I have not been able to locate Mr. Muse, so I would like at this time to leave the record open for a subsequent submission of a statement by Mr. Muse to describe the events that occurred and the facts as he understands them to be in response to the allegations raised by Mr. Davis at this time.*

Now, if we can proceed with the examination of Mr. Davis, Mr. Armstrong has some questions.

Mr. ARMSTRONG. Mr. Davis, could you tell us when and how you first learned of Mr. Hughes' contribution that was given to Mr. Rebozo—contributions given to Mr. Rebozo?

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* Mr. Muse's statement on p. 11614.

Mr. DAVIS. When I was acting as counsel for Mr. Danner and was required to testify pursuant to a subpena issued by the IRS?

Mr. ARMSTRONG. And that was the first occasion on which you had any knowledge of that contribution.

Mr. DAVIS. That is correct.

Mr. ARMSTRONG. And was that solely in preparation for that——

Mr. DAVIS. No, it was not in preparation. I was attending hearings being conducted by special agents of the IRS.

Mr. ARMSTRONG. This was at the Hughes Tool Co. offices in Houston, Texas? Is that correct, sir?

Mr. DAVIS. That is correct.

Mr. ARMSTRONG. And can you tell us if you have any other knowledge regarding the delivery, if you received any other knowledge regarding the delivery or the purpose of the contribution from Mr. Hughes that was given to Mr. Rebozo other than what was revealed in that IRS session?

Mr. DAVIS. You will have to break up your question so I can understand it.

Mr. ARMSTRONG. Did you receive any information regarding the delivery of the contribution?

Mr. DAVIS. When?

Mr. ARMSTRONG. Subsequent to the meeting with the Internal Revenue Service in Houston?

Mr. DAVIS. I investigated the matter.

Mr. ARMSTRONG. Was that as counsel to the Summa Corp.?

Mr. DAVIS. In connection with the preparation of a number of issues, including the litigation now going on with respect to Mr. Maheu's activities.

Mr. ARMSTRONG. Is there any information relating to the delivery or the purpose of that contribution that you can share with us that is not privileged?

Mr. DAVIS. You have a compounded question in there and I would appreciate it if you would ask your questions so I can answer them.

Mr. ARMSTRONG. OK. Is there any information regarding the delivery of that contribution which you received after that May session with the IRS which you can share with us which is not privileged?

Mr. DAVIS. That depends upon what your question is as to whether it is privileged or not.

Mr. ARMSTRONG. Well, is there any other information on that you can share with us, sir?

Mr. DAVIS. I don't have any other information to share with you.

Mr. ARMSTRONG. Did you receive any other information on the subject of the delivery of the contribution subsequent to that May meeting which was not privileged?

Mr. DAVIS. That depends on what your question is, sir.

Mr. ARMSTRONG. Can you tell us, Mr. Davis, what your investigation of the delivery of the Hughes contribution consisted of?

Mr. FREEDMAN. I object to that. That is the lawyer's work product as to what instructions he gave and what was done and what happened and what results of the request by Mr. Davis as counsel produced.

Mr. ARMSTRONG. Did you receive any information regarding the delivery of the contribution that was not as a result of a lawyer's work product?

Mr. DAVIS. I cannot answer that question that generally, sir. If you ask me a particular question with respect to the delivery, if I obtained information other than pursuant to my investigation of the conduct and activities of Mr. Mahen, I will answer the question if I can.

Mr. FREEDMAN. There is another point. I don't know what you are trying to get at here. This record is replete about the delivery. There's no allegation by anybody that Mr. Davis had anything to do whatsoever with the delivery, so I don't know what you're trying to find out from Mr. Davis. You're not finding out any facts.

Mr. LACKRITZ. Mr. Freedman, the only point of the line of questioning that is being pursued is to see if there is any assistance that Mr. Davis may be able to provide this committee outside of some of the other information that has been provided by clients represented by Mr. Davis and by others concerning this matter.

If Mr. Davis does not feel he has additional information that can assist this investigation at this time, then he is free not to respond to the question, but the general line of inquiry is to see if we can short-circuit going through a detailed and rather laborious series of questions about the delivery of the contributions and the return of the contributions, in an effort to get any information that Mr. Davis can provide to this committee in its investigation.

Mr. FREEDMAN. Well, obviously anything he learned as a result of his activities as an attorney for Mr. Danner or for anybody else connected with the Hughes Tool Co., of course that is privileged. And you've got Mr. Danner's testimony for 6 days about this subject, 4 days in December, yesterday, today, in which you went over the same thing over and over again. Mr. Davis—are you saying Mr. Davis had anything to do with the delivery?

Mr. LACKRITZ. That wasn't my question nor my implication.

Mr. FREEDMAN. Well, if that is so, then I don't see what you are going to get from him. It is a complete fishing expedition. Go on and ask the next question.

Mr. ARMSTRONG. Mr. Davis, did you have any discussions with Mr. Hughes regarding this particular contribution?

Mr. FREEDMAN. I think that is privileged, too.

Mr. ARMSTRONG. Well, I am not sure. Is the existence of the conversation privileged? The answer is no, it is not privileged.

Mr. DAVIS. The only conversation I had with Mr. Hughes was subsequent to the information that came to my attention in the matter I have indicated, and I did communicate with Mr. Hughes in connection with the factual investigation I made relating to the claims that were involved, as I indicated on several occasions, not only to the staff but to the committee, that I was engaged in investigating the facts relating to such civil remedies as Mr. Hughes or the Hughes Tool Co. had against Mr. Mahen by reason of the manner in which he handled moneys belonging to Mr. Hughes and moneys belonging to the Hughes Tool Co.

Mr. ARMSTRONG. Did you discuss your conversation with Mr. Hughes with any other person who is not a member of your law firm or is not counsel to Summa Corp.?

Mr. DAVIS. No, sir. I have not.

Mr. ARMSTRONG. Is there any portion of that conversation which you feel you can share with us?

Mr. DAVIS. As I told you before, I have nothing to share with you.

Mr. LACKRITZ. When was your conversation with Mr. Hughes, Mr. Davis?

Mr. DAVIS. I don't remember the exact time.

Mr. LACKRITZ. Where was it?

Mr. DAVIS. I believe at the time Mr. Hughes was in Nicaragua.

Mr. LACKRITZ. And this was a person to person, or in person conversation?

Mr. DAVIS. It was a communication I had with my client.

Mr. LACKRITZ. I was just asking you the form of the communication. I was not asking the substance.

Mr. FREEDMAN. That is attorney-client privilege.

Mr. DAVIS. I don't care to go into the manner in which I communicated with my client. Actually it was in various forms of communication.

Mr. LACKRITZ. What was Hr. Hughes' reaction upon learning this information?

Mr. FREEDMAN. Isn't that part of the lawyer-client privilege?

Mr. DAVIS. Yes.

Mr. LACKRITZ. So you are claiming privilege on the response to that question?

Mr. FREEDMAN. Yes.

Mr. LACKRITZ. All right. Did you have more than one discussion with Mr. Hughes about these matters?

Mr. DAVIS. Yes.

Mr. LACKRITZ. And as I understand your testimony, at no time have you discussed the substance of any of these conversations with any persons not counsel to the Hughes Tool Co.

Mr. DAVIS. That is correct.

Mr. LACKRITZ. All right.

Mr. ARMSTRONG. Just to make sure our record is complete, Mr. Davis did you not discuss with Ms. DeOreo and myself on October 10, 1973, the fact that Mr. Hughes had told you that there was no authorization for any particular contributions by Mr. Hughes except for the reimbursement of Mr. Maheu for the $100,000 that was given to Mr. Rebozo?

Mr. DAVIS. If you will show me a transcript of my testimony, I will address myself to it.

Mr. ARMSTRONG. I don't believe a transcript was made. We have notes that were made by a staff secretary that was present at the time.

Mr. DAVIS. Then you show me what those notes state, and then I will address myself to them.

Mr. LACKRITZ. Well, Mr. Davis, do you have any independent recollection that you so testified?

Mr. DAVIS. I have a recollection of having testified or answered inquiries that were made, as I understood the inquiry that was then being made.

Mr. ARMSTRONG. Well, do you recall testifying about the substance of what Mr. Hughes advised you of?

Mr. DAVIS. Not specifically. My problem is in separating that which relates to a particular transaction and that general information which I obtained in connection with something other than what I was investigating relating to what I have described a moment ago. Now, whatever I said before was accurate to the best of my knowledge.

Mr. ARMSTRONG. I note that Mr. Richmond Anderson was present on that occasion and took what he purported——

Mr. DAVIS. He was acting as my secretary and taking notes.

Mr. ARMSTRONG. He took what he purported was a verbatim transcript.

Mr. DAVIS. It may be that he did.

Mr. ARMSTRONG. My notes also reflect that you said at that time that Mr. Hughes—the conversation was in late 1971 or early 1972, and that Mr. Hughes—that you did not discuss particular conversations with Mr. Hughes. Is that correct, is the substance of that correct, sir?

Mr. DAVIS. No.

Mr. ARMSTRONG. Can you tell us what was correct on that subject, what these notes should reflect?

Mr. FREEDMAN. Well, aren't you getting into the lawyer-client area again?

Mr. DAVIS. Unless you show me what you are referring to, I cannot help you.

Mr. ARMSTRONG. I am referring to the section of the notes of our staff in that session that says "Hughes told Davis that there was no authorization for particular contributions by Howard Hughes except for the reimbursement of Maheu of the $100,000. This conversation was in——

Mr. DAVIS. I don't know what $100,000 you are referring to because unless I look at it in the context of what was being inquired into, I cannot answer your question.

Mr. SCHULTZ. Can we go off the record for just a second, please?

[Discussion off the record.]

Mr. ARMSTRONG. Back on the record. The notes that I have reflect the immediate reference to the $100,000 at that time. At that time Maheu claimed he was owed $100,000 for contributions that he had made and he was entitled to reimbursement.

Mr. DAVIS. Well, you see what your notes indicate, the trouble with your question, Mr. Armstrong, is you are mixing apples and pears together, because there was a time when I did testify with respect to events which came to my attention other than a time when I was engaged in either giving advice to my clients or engaged in investigating the facts with respect to possible claims which were involved in pending litigation with Maheu and others, and that is the trouble with the way you phrase your questions and the answers I gave you before.

You started off by asking me questions with respect to when I first obtained information as to—it so happens it's also $100,000 that was delivered by Mr. Danner to Mr. Rebozo. When I gave you the answer to that and I told you what I did subsequent to that.

Now, if you are talking about some different, some other $100,000, then that is why I insist on seeing what it is you are referring to so I can address myself to something in context and not out of context to create more confusion than you have already created.

Mr. ARMSTRONG. Well, as I pointed out, Mr. Davis, you apparently have access to verbatim notes from that interview, and if you want to consult those, feel free.

Mr. DAVIS. I don't know what you think I have access to. I know that I requested at the time for a transcript of the proceedings, which was denied to me, allegedly pursuant to somebody's constructions of the rules of the committee, which I regard as improper construction of the rules and which is a subject matter of litigation which is now pending, including a matter which is now pending before the court of appeals of this district.

Now, if you want to present me with something and you want me to address myself to any testimony or evidence I have previously given you, show me what it is that you are talking about, and I will address myself to it.

Mr. ARMSTRONG. Well, did you ever have a conversation in late 1972—excuse me—late 1971 or early 1972 with Mr. Hughes regarding campaign contributions?

Mr. DAVIS. I can't place it by dates. I have told you before that the only time I had any communication with Mr. Hughes relating to campaign contributions was at a time when, following certain information coming to my attention, I began to investigate the facts in connection with the litigation I have previously described to you.

Mr. ARMSTRONG. Well, can you tell us what the information was that came to your attention at that time?

Mr. DAVIS. I don't know what time you are referring to, what information you're referring to. If you are referring to information with respect to the contribution or deliveries of moneys by Mr. Danner to Mr. Rebozo, I have already told you when that first came to my attention and what I did subsequent thereto.

Mr. ARMSTRONG. I am referring to the time that you just referred to, Mr. Davis. I am trying to find out——

Mr. DAVIS. Well, I don't understand your question, then.

Mr. ARMSTRONG. Did you have any conversation with Mr. Hughes regarding campaign contributions prior to Mr. Danner's interview with the Internal Revenue Service?

Mr. DAVIS. I don't believe so.

Mr. ARMSTRONG. My question is, did you tell us on October 10, 1973, that Mr. Hughes had told you that there was no authorization for particular contributions by Howard Hughes except for the reimbursement of Maheu for the $100,000 for contributions he had made and that he felt that he was entitled reimbursement for?

Mr. DAVIS. You will have to show me a transcript of the testimony before I can answer that question.

Mr. ARMSTRONG. I am saying there is not a transcript of the testimony.

Mr. DAVIS. Then I cannot help you.

Mr. ARMSTRONG. Well, do you recall if you did have such conversation with Mr. Hughes prior to Mr. Danner's testimony or deposition before the IRS?

Mr. DAVIS. I think I answered just a moment ago that my recollection is when I first had any conversation with Mr. Hughes was following that, when I began to investigate the information that

came to my attention at that time, insofar as my conversations or communications with Mr. Hughes were involved. How many times do you want me to answer the same question?

Mr. ARMSTRONG. Well, I was trying to refresh your recollection, Mr. Davis.

Mr. DAVIS. Well, I can remember what I said 5 minutes ago.

Mr. LACKRITZ. Mr. Davis, did you learn in the course of your investigation of the purpose of these two $50,000 contributions that were delivered to Mr. Rebozo in 1969 or 1970?

Mr. FREEDMAN. Isn't that privileged?

Mr. DAVIS. Let me try to refresh your recollection in the confusion you create by the way you conduct these hearings, which I think are highly improper if not completely illegal.

I think previously you were asking me questions with respect to matters which did come to my attention at the time when Mr. Maheu was seeking to obtain moneys from Nadine Henley, which was at a time before I was investigating anything, and with respect to when Mr. Maheu was asking me to use my efforts to convince or urge Miss Henley to make more moneys available to him, which is not the same thing to what you are talking about with respect to the $100,000 or the two $50,000 deliveries which were made to Mr. Rebozo by Mr. Danner, of which I had absolutely no knowledge whatsoever until Mr. Danner appeared before the IRS and I was with him as his counsel.

Mr. LACKRITZ. Well, at that time, Mr. Davis, were you representing Mr. Danner or were you representing the Hughes Tool Co.?

Mr. DAVIS. Both.

Mr. LACKRITZ. Mr. Danner had retained you?

Mr. DAVIS. Yes; or asked me to represent him. He was an employee of the Hughes Tool Co., and I was acting as his counsel with Mr. West.

Mr. LACKRITZ. That is Mr. Mickey West?

Mr. DAVIS. No; I'm talking about Mr. Danner when Mr. Danner was subpenaed by the IRS investigating——

Mr. LACKRITZ. I'm trying to identify Mr. West. That was Mr. Mickey West?

Mr. DAVIS. That is correct.

Mr. ARMSTRONG. Can you tell us, Mr. Davis, prior to the time that you began the investigation which you made reference to, what knowledge you had of campaign contributions that Mr. Hughes had made from January 1, 1969, on.

Mr. DAVIS. Well, the question is too broad, gentlemen, for me to be able to answer intelligently. I was aware during a period of time that political contributions were being made by and on behalf of Mr. Hughes through Mr. Maheu with funds obtained by Mr. Maheu out of Mr. Hughes' personal account through Nadine Henley, but that is not the same thing as what you started asking me questions about, which relates to the deliveries of moneys to Mr. Rebozo by Mr. Danner. And if you can't recognize the difference between the two, I can't help you out.

Mr. ARMSTRONG. I think the record will show that the last three questions have not been directed to the contribution to——

Mr. DAVIS. Well, I don't know what it is you're asking me. Ask me a question I understand and I will answer it if I can.

Mr. ARMSTRONG. I'm asking you what knowledge you had of campaign contributions.

Mr. DAVIS. Well, it's too broad a question for me to answer what knowledge I had. I don't know what knowledge I had. You ask me a specific question and I'll answer it.

Mr. ARMSTRONG. Well, prior to the time you began your investigation, had you had any discussions with Mr. Hughes about campaign contributions in general?

Mr. DAVIS. I think I've answered that three times now.

Mr. ARMSTRONG. Did you have any discussion with Mr. Maheu prior to having begun your investigation about campaign contributions?

Mr. DAVIS. Oh, yes.

Mr. ARMSTRONG. Can you tell us what those discussions were, sir?

Mr. DAVIS. There were a great many of them, but generally speaking, that Mr. Maheu's philosophy was to give small sums of money to various candidates, usually early in the period of their candidacy because that he thought that was the proper way of handling political contributions. Mr. Maheu and I had any number of conversations along those general lines at a time when he was just talking generally to me, when he was not seeking my advice about anything.

I am eliminating from that—I think there was a point in time when there was a question that was raised which involved legal advice with respect to the propriety of certain types of contributions to state or other committees, and the handling of particular contributions, and I am not referring to those. I am referring to other conversations I had where he was generally describing the policies and philosophies that he was pursuing, handling political contributions.

I am now referring to a period in 1961, 1962 and following, having nothing to do whatsoever with the subject matter of the delivery of moneys by Mr. Danner to Mr. Rebozo.

Mr. ARMSTRONG. Did any of those conversations take place after January 1, 1969, and prior to May 10, 1972?

Mr. DAVIS. What is the question? What conversations? I have referred to a number of conversations till now. I don't know what you're referring to.

Mr. ARMSTRONG. I'm talking about your conversation with Mr. Maheu. Did any——

Mr. DAVIS. I understand that and I told you I had many conversations with Mr. Maheu during the period of years.

Mr. ARMSTRONG. And I just said did any of them occur between January 1, 1969, and May 10, 1972?

Mr. DAVIS. I may have had some conversations with Mr. Maheu with respect to political contributions generally during that period of time, not subsequent to 1970, because I have had no discussions with Mr. Maheu subsequent to December of 1970, when his services were terminated.

Mr. ARMSTRONG. Well, during 1969 and 1970, did you discuss with Mr. Maheu any contributions made to Presidential candidates, either Presidential candidates in 1968 or potential Presidential candidates for the 1972 campaign?

Mr. DAVIS. Mr. Maheu did tell me in some conversations that he had made or claims to have made a contribution of $25,000 to the—to Kennedy after the assassination.

Mr. FREEDMAN. That's Robert Kennedy.

Mr. DAVIS. Robert Kennedy, and he also told me of an alleged contribution of some $50,000 which he claims to have made to Senator Humphrey, and I cannot tell you just when that conversation took place. It could have been in 1968 or 1969, that I remember him telling me about that. And I recall a conversation with Mr. Maheu in which he told me that he had been authorized to make a similar contribution of $50,000 to Mr. Nixon. Those were the conversations I had with Mr. Maheu at a time and under circumstances where I was not being consulted as an attorney.

Mr. ARMSTRONG. Did Mr. Maheu indicate whether or not he had actually made a contribution to Mr. Nixon, a $50,000 contribution?

Mr. DAVIS. No. My recollection of the conversation was in terms of that which he claims to have been authorized to do.

Mr. ARMSTRONG. Was this a contribution to the 1968 campaign, or was this subsequent to the 1968 election?

Mr. DAVIS. I don't remember when the conversation was, but the conversation I had with Mr. Maheu which I recall is one where he told me in substance that he had been authorized, that he was quite pleased, he was going to contribute $25,000 in some manner to make up some deficit in the Robert Kennedy campaign, and that was due to the fact that he was no longer a candidate and that he had been authorized to, wanted to or was about to make a contribution of $50,000 to Senator Humphrey and $50,000 to Mr. Nixon.

I did have such a conversation with Mr. Maheu, and it may be subsequent to 1968 he referred to it, because I am sure he mentioned that more than once to me in those conversations.

Mr. ARMSTRONG. Am I correct in the understanding that these were contributions to the 1968 Presidential campaign?

Mr. DAVIS. I have told you what Mr. Maheu told me.

Mr. ARMSTRONG. You don't know then? Is that the answer?

Mr. DAVIS. I don't know what—I know what he told me, sir, and that is all I can tell you.

Mr. FREEDMAN. He answered.

Mr. ARMSTRONG. My question is, did he tell you for what campaign these contributions were being made, for what year, the 1968 campaign, the 1972——

Mr. DAVIS. My understanding from the conversation I had with him was he was referring to a $50,000 contribution in connection with the Presidential campaign of Senator Humphrey and Mr. Nixon and the aborted campaign of Senator Robert Kennedy.

Mr. ARMSTRONG. What I'm trying to pin down is——

Mr. DAVIS. All I can testify, sir, is with respect to—you asked me about the conversations I had with Mr. Maheu, and I don't believe that in that conversation Mr. Maheu was any more explicit than I have indicated to you.

Mr. ARMSTRONG. Prior to the time that you began your investigation, did you have any conversations with Mr. Gay and subsequent to January 1, 1969, did you have any conversations with Mr. Gay regarding Presidential campaign contributions?

Mr. DAVIS. Now, your question is limited to Presidential campaign contributions.

Mr. ARMSTRONG. Yes, sir.

Mr. Davis. I don't remember any particular conversation with Mr. Gay relating specifically to Presidential campaign contributions. I have a recollection of having had conversations with Mr. Gay and with Mr. Maheu with respect to the general approach or philosophy of political contributions and how they should be handled, generally speaking.

Mr. Armstrong. Did Mr. Maheu ever indicate to you that he had made any political contributions to any Presidential candidate in expectation of a favorable ruling from any administrative agency or department of the U.S. Government?

Mr. Davis. Oh, good heavens, no, no.

Mr. Lackritz. Mr. Davis, you have indicated that prior to 1970 you had a number of general conversations with Mr. Robert Maheu about political contributions dating back to 1961.

Mr. Davis. Prior to 1971, I would say.

Mr. Lackritz. Prior to 1971, fine. Did Mr. Maheu indicate to you in his conversations any general philosophy behind making political contributions to candidates?

Mr. Davis. Yes, I think I attempted to describe that a moment ago.

Mr. Lackritz. Well, as I understand the way you described it, you said he wanted to make contributions early on in the campaign.

Mr. Davis. Yes, he thought that you obtained more favorable recognition or credit—I forget the words he used—if you reacted earlier in a campaign than later.

Mr. Lackritz. What do you mean by more favorable recognition or credit?

Mr. Davis. Well, because, as you well know, you are solicited for campaign contributions, and you can usually satisfy the requests that you receive if you respond early than late, and that was my—the general nature of the conversation was that you could discharge your sense of obligation toward political candidates by making a contribution early in the game and I think we also had some conversation in which he indicated the desirability of making contributions to various candidates, whatever party they were.

Mr. Lackritz. And what was the purpose of making these contributions, according to Mr. Maheu, Mr. Davis? Was it to obtain——

Mr. Davis. Well, I don't think that my conversation with Mr. Maheu was so naive as to think that the purpose of making political contributions other than what I have indicated to you, that as a general rule response to requests for contributions to political candidates, more desirable to do so early in the campaign than later in the campaign. I remember him saying first of all, they need the funds early. It is a hard time to get them, and that you discharge your sense of obligation to support candidates if you do so—my words—early in the game.

I don't know exactly how Mr. Maheu described that thought, but that was the sense of the conversations that I had with him during the period that you referred to.

Mr. Lackritz. Mr. Davis, did Mr. Maheu indicate to you that it would be easy to obtain access to candidates if contributions were made earlier in the campaign?

Mr. Davis. Oh, Mr. Maheu never referred to political contributions as being related to having access to anyone. Mr. Maheu felt that

you could have access to everyone and anyone, including the Pope, literally.

Mr. LACKRITZ. Well, did the philosophy of making contributions early on in political campaigns of candidates have anything to do, as far as you know, with obtaining a favorable treatment from elected candidates once they were in office?

Mr. FREEDMAN. Would you mind repeating that again? I got lost?

Mr. LACKRITZ. Well, from your conversations with Mr. Maheu relating to political contributions——

Mr. DAVIS. No, my recollection of those conversations were quite the opposite of that if I recall correctly what Mr. Maheu was saying to me. But again, you are referring to a long period of time, not to any particular conversations, generally speaking was that you usually—Mr. Maheu speaking—got more respect from the various candidates by reacting early, and usually, as he explained it to me at least, my understanding of what he was saying to me was that he was then advocating against making overly large contributions which by the very nature of the contribution could give rise to some thought that something was expected. But again the problem is always, you've go to speak about each thing, you've got to take each situation on its own, what is going on, what are the problems, what candidates you are talking about. And I am now not limiting—the conversation that we were having, did not relate to Federal offices versus State offices or anything, generally speaking.

Mr. LACKRITZ. I understand that.

Mr. DAVIS. And what Mr. Maheu and I were then discussing was the general philosophy of political contributions, and those are the thoughts that were being expressed in these conversations.

Mr. LACKRITZ. Why did Mr. Maheu indicate to you——

Mr. DAVIS. Why Mr. Maheu did anything, sir, I don't understand particularly in the light of what I now know.

Mr. LACKRITZ. All right.

Mr. DAVIS. It is difficult for me, but go ahead.

Mr. SILVERSTEIN. May I ask a question to try to clear this up on this area?

Mr. LACKRITZ. Sure, Bob.

Mr. SILVERSTEIN. Did Mr. Maheu ever indicate to you the purpose of these contributions?

Mr. DAVIS. None other than that to display support for the candidates, and the desirability of supporting a candidate.

Mr. SILVERSTEIN. That's the only question I have.

Mr. DAVIS. He felt very strongly—I have heard him say that because of Mr. Hughes' reputed wealth, that it was awfully difficult to resist approaches for contributions, and that part of the problem that the realities of life that you confront is the expectation of substantial contributions, and it was in that context that we were discussing how do you—I won't use the word "resist," but do you with the appeals for contributions by everybody running for office, and the problem of how to handle the problem that exists by reason of these appeals.

Mr. LACKRITZ. Did you and Mr. Maheu ever discuss the purpose in supporting both candidates in any given election.

Mr. DAVIS. None other than the perfectly obvious—I mean, I remember conversations where he indicated the desirability of doing so

even when he personally stated, even though I am reasonably satisfied that this fellow is the leading horse in this horse race. First, you never can tell, and second, you've got to be fair. That's what is expected, and that's what is the desirable thing to do. It was just an approach where you would feel the desirability of contributing to both, and in that connection he sometimes would say is one of the desirabilities of not publishing or publicizing what you give to one because if you start doing that you get into trouble. You get into trouble with the others.

Why did you give me $100 and the other fellow $200? I am using these hypothetical sums, and the sums we sometimes referred to might be $1,000 to one and $5,000 to another or what have you. And the support that he was talking about was the desirability of supporting candidates of both parties, and my understanding is that that is what he was doing.

Mr. LACKRITZ. Did you have any discussions with Mr. Maheu during the period of time from January 1, 1968, forward?

Mr. DAVIS. 1968 forward?

Mr. LACKRITZ. January 1968, that's right. I am including the contribution or the attempted contribution in the summer of 1968 that Mr. Danner discussed yesterday. Did you have any discussions with Mr. Maheu during this time period concerning particular problems that were facing the Hughes organization and any assistance that making contributions to Federal campaigns could provide?

Mr. DAVIS. I cannot separate what you have just said into the form of a question, sir. Let me, first of all, just say that it is very difficult for me to have on one hand—I need a time point of reference to answer you intelligently.

At the same time, I don't remember these conversations with any particular point of reference of January 1, 1968, and insofar as problems are concerned, the Hughes Tool Co. always had problems of one kind or another, but if you are suggesting that Mr. Maheu and I have had a conversation where Mr. Maheu suggested to me that the solution to any problem that we had was by making a political contribution, the answer is no. We never had any such, and I don't regard, in connection with this, the conversations I had with Mr. Maheu as to the offers for funding that he described and discussed with me, as, for instance, his efforts to fund studies to be conducted either by the Hughes Tool Co. or Mr. Hughes, or to be conducted by the Government with respect to the undesirability of having atomic energy tests being conducted in Nevada, which as I understand it, he said to me that he had been authorized—at one point in one conversation, as I recall, he said that he had been authorized to expend up to $1 million if need be and offered to spend that much to fund studies to be made, designed to establish the risks or lack of risks involved with these nuclear explosions in Nevada which were at the time of great concern to Mr. Hughes.

But I don't regard those in terms of political contributions. Those, as I understand, were contributions that he felt he could make to be sure in the political system, but not in terms of, insofar as I know—I don't know what, if he ever made any of those, but we had discussions with that in that area, and those were—I think those were in 1968 or 1969, or after January 1, 1968.

Mr. LACKRITZ. Mr. Davis, did you have any responsibilities for attempting to terminate the underground atomic testing in Nevada?

Mr. DAVIS. No.

Mr. LACKRITZ. So that your discussions with Mr. Maheu on the subject were solely limited to Mr. Maheu's authorization to expend funds on studies.

Mr. DAVIS. I am referring to conversations I had with Mr. Maheu, sir, and what Mr. Maheu was telling me with respect to some of his activities and some of the problems he had, and the efforts he was making to solve those problems, and the means and tools that he had available dealing with a particular problem.

Mr. LACKRITZ. Did Mr. Maheu ever discuss with you any success that he had in terminating the atomic testing program in Nevada?

Mr. DAVIS. No; Mr. Maheu had conversations with me indicating that he thought that at one point in time, as I understood what he was telling me, anyway, that he thought he was making progress in obtaining some delays in some testing, or I believe at one point he also told me that he thought he had gotten somebody to agree to undertake some kind of study. I know that he had some other people allegedly making some studies or organizing the making of some studies, including this fellow John Meier. That is how he introduced me to him anyway.

Mr. LACKRITZ. Well, did Mr. Maheu indicate to you who he was—any governmental officials that he was working with to attempt to cease these tests?

Mr. FREEDMAN. Just a minute. Before you answer that, Mr. Davis, aren't we going very, very far afield? What has this got to do with the 1972 Presidential campaign?

Mr. LACKRITZ. Well, because there is some indication that in terms of memorandums and other testimony that the committee has received, that Mr. Maheu was terribly concerned with getting the atomic tests stopped on behalf of Mr. Hughes in 1969 and 1970 prior to his departure, and if Mr. Maheu was involved in authorizing the $100,000 contribution to Mr. Rebozo, then it may have had some relationship to the——

Mr. FREEDMAN. To the 1972 campaign?

Mr. LACKRITZ. Well, we have testimony that indicates the money delivered to Mr. Rebozo was for the 1972 campaign.

Mr. FREEDMAN. Well, we've been over this and rehashed this and rehashed this and rehashed this, and frankly, I think the testimony of Mr. Davis on this point is frankly an imposition. I don't know how else to characterize it. I don't know what you're going to get out of it or what you hope to get out of it. Obviously—I don't know.

Mr. LACKRITZ. I am just asking if Mr. Davis has any knowledge that Mr. Maheu was involved in attempting to make contributions to resolve some of these problems to campaign——

Mr. DAVIS. Political contributions? It was never suggested in any way, shape, or form.

Mr. LACKRITZ. In any discussions you ever had with Mr. Maheu.

Mr. DAVIS. Absolutely not so.

Mr. FREEDMAN. OK. Next subject matter—new chapter.

Mr. LACKRITZ. Prior to 1971, Mr. Davis, did you have discussions with Mr. Maheu about the then-pending TWA litigation?

Mr. DAVIS. Oh, certainly.

Mr. LACKRITZ. And did you have discussions with Mr. Maheu about the proper legal strategy to follow in the then-pending TWA litigation?

Mr. DAVIS. Well, I had many discussions with Mr. Maheu with respect to the TWA litigation, yes, I would say including legal points and the validity thereof that were being raised by me, him, friends, associates, everybody making suggestions.

Mr. LACKRITZ. Do you have any knowledge of the retainer——

Mr. DAVIS. Of the who?

Mr. LACKRITZ. Of the retainer or of the retaining, I guess is more appropriate, of the Mudge, Rose, Gutheries & Alexander law firm to participate in the TWA litigation?

Mr. DAVIS. Yes. I was involved in that situation, and I went to the Mudge, Rose firm at one point in respect to an anticipated aspect, but it did not last very long.

Mr. LACKRITZ. I see. When was this, do you recall?

Mr. DAVIS. Well, it was after the decision of Judge Metzner affirming the Brownell damage hearing report, when we began to consider two things. One was the kind of bond that we might have to put up, and also the appeal.

At that point in time Mr. Maheu strongly urged that the Donovan firm which had handled the damage hearings, be relieved of that responsibility, and that we retain another firm. I was opposed to doing that at that point in time, and we met in conference on the subject in New York. But in anticipation of the possibility of making such a determination, I did go to the Mudge, Rose firm, and I did do some work in connection with the preparation of the possible applications for—of proceedings that might take place before Judge Metzner, that would take place if they were to handle it in connection with the obtaining of the bond for a stay pending appeal, and the possibility of their being assigned the responsibility of conducting the appeal before the second circuit. But that is not what we did.

Mr. LACKRITZ. But I take it that they did do some work in preparation for the course of action.

Mr. DAVIS. Oh, they did quite a bit of work in the sense of preparation and did prepare drafts of papers that would have been filed, and arguments and what have you in connection with that aspect of it.

Mr. LACKRITZ. Did you have any discussions with Mr. Maheu about the hiring of Mudge, Rose—the Mudge, Rose firm?

Mr. DAVIS. Yes.

Mr. LACKRITZ. Did Mr. Maheu favor that?

Mr. DAVIS. That is what Mr. Maheu wanted to do and that is what I was opposed to. Among other things, I felt it was undesirable to go that route because of the former association of President Nixon with that firm, and one—this conference that I am referring to where I said that I was not going to do it that way—I was responsible actually for the handling of that aspect of the matter, and I remember his calling me the next day and saying he'd been thinking it over and he didn't see any reason why the firm should be disqualified merely because one of its former partners had become President of the United States. And I said, my problem is that it would be misunderstood. And so I didn't.

Mr. LACKRITZ. And so you went ahead and hired them anyway?

Mr. DAVIS. No. Well, the work was done. The decision that was made was to stay with the Donovan firm through the second circuit.

What I wanted to do at the time was to find—we went to see Moore at Yale to have enough counsel personnel who would be able to handle the procedural questions that were involved in that litigation, and that that would be a desirable thing to do. I did not think it was desirable to change from the Donovan firm to the Mudge, Rose firm. I didn't think that was going to accomplish anything.

Mr. LACKRITZ. Well, I'm sorry. I guess I misunderstood you. I thought you just testified that it was the other way around, and I guess I misunderstood you. I'm sure the record will be clear on it. You opposed approaching the Mudge, Rose firm.

Mr. DAVIS. I did not oppose approaching the Mudge, Rose firm.

Mr. SILVERSTEIN. Retaining them.

Mr. DAVIS. I opposed the decision of relieving the Donovan firm and giving the Mudge, Rose firm the responsibility of handling the appeal in the second circuit of the decision by Judge Metzner. And as I say, we did not do that.

But, during the period of time when we were—when we were developing various legal opinions, the Mudge, Rose firm was asked—it was asked by me—was asked to undertake or to prepare themselves to undertake certain aspects of the thing until it reached the point when I had made a final decision with respect to it. At that point there was a substantial difference of views between—among other things—between myself and members of the firm of the Donovan firm, which I didn't know how they would work out.

Mr. LACKRITZ. Mr. Davis, who made the initial decision to approach the Mudge, Rose firm?

Mr. DAVIS. I did.

Mr. LACKRITZ. But that was not initially suggested by Mr. Maheu?

Mr. DAVIS. The Mudge, Rose firm was one of several that was mentioned in this conference about the possible desirability of switching law firms.

Mr. LACKRITZ. And then you decided——

Mr. DAVIS. I don't know who was first to mention the existence or availability of the Mudge, Rose firm. I knew them, I knew members of that firm, and I then thought and I still think highly of them, and I indicated in that conference that they were a firm that certainly deserved consideration if we were going to change from the Donovan firm to another New York City law firm.

Mr. LACKRITZ. All right. Did you and Mr. Maheu have any discussions about the advisability of approaching Mudge, Rose firm because a former partner was President of the United States?

Mr. DAVIS. I just finished telling you. You're turning in the reverse position, that there came a point in time——

Mr. LACKRITZ. I'm just asking if Mr. Maheu ever indicated that to you?

Mr. DAVIS. No. Mr. Maheu indicated to me that he did not think that it was a sufficient reason to disqualify or not to go with the Mudge, Rose firm merely because one of its partners had become President of the United States.

I was advancing a number of reasons why I thought it was undesirable to make this switch, quite apart from the fact that both firms, so far as I am concerned, were staffed by people more than competent to handle the kind of questions, but there were a number of reasons which I'm not going to go into——

Mr. LACKRITZ. Nor would I want you to.

Mr. DAVIS. Relating to the desirability or lack of desirability of making a change. One of the reasons I advanced to Mr. Maheu for my not wanting to make that change was the fact that among others such a move could be misunderstood or misconstrued. Initially Mr. Maheu saw the merit of that thought or suggestion. I remember a telephone call from him saying to me that, I have been thinking the thing over or talked the thing over with somebody, and that he did not see any reason why the law firm should be disqualified from consideration, from further consideration from utilization, merely because one of its partners had become President of the United States.

It is only in that context, and just in one conversation, that identified the Mudge, Rose firm with the fact that Mr. Nixon had been a member of that firm.

Mr. LACKRITZ. OK.

[Discussion off the record.]

Mr. ARMSTRONG. Back on the record.

Mr. DAVIS. I believe I have made it clear in one of my prior appearances that the Mudge, Rose firm was not the only firm that was under consideration. I remember very specifically, for instance, that we also considered my former law firm, Simpson, Thatcher, and Bartlett, was also under consideration.

Mr. ARMSTRONG. Is that all you wanted to add?

Mr. DAVIS. I believe I had answered in my prior answer that the Mudge, Rose firm was only one of several that was discussed and under consideration, as a result of this meeting I referred to.

Mr. ARMSTRONG. Now, Mr. Davis, can you tell us if, subsequent to Mr. Danner's interview with the IRS in May of 1972, Mr. Danner informed you that his understanding of the purpose of the contributions given to Mr. Rebozo was for support of the various Senate, congressional campaigns in 1970?

Mr. FREEDMAN. Well, if he testified to that effect before the Internal Revenue Service, then Mr. Davis——

Mr. DAVIS. No, he's asking me subsequent to that.

Mr. ARMSTRONG. Subsequent to that.

Mr. DAVIS. I am trying to think if I had a conversation with Mr. Danner with respect to your question other than in connection with the investigation that I undertook subsequent to that, and the circumstances were Mr. Danner was not seeking my advice, and I suppose that the answer is yes, I believe I did have—I know I did have some conversations with Mr. Danner subsequent to that time, and that other than with respect to my effort to develop facts relating to litigation I previously referred to, and other than circumstances where Mr. Danner was seeking or functioning as his counsel, the answer is yes.

Mr. ARMSTRONG. Can you tell us if in these conversations Mr. Danner indicated that it was his understanding that someone else other than Mr. Danner was to specify which campaigns were to be supported?

Mr. DAVIS. I cannot tell you what Mr. Danner's understanding about anything is. The only thing I can recall is conversations I had with Mr. Danner.

Mr. ARMSTRONG. Well, did Mr. Danner inform you that it was his understanding when he gave the contribution to Mr. Rebozo that it was not up to him to select which campaigns were to be——

Mr. FREEDMAN. Wait a minute. Which campaigns or which candidates in the 1970 campaign?

Mr. ARMSTRONG. The campaigns of whatever candidates. It wasn't up to him to select the candidates' campaigns that were going to receive the money in 1970.

Mr. DAVIS. Let me understand what your question is, please.

Now, what is it you want to know?

Mr. ARMSTRONG. What I want to know is if Mr. Danner ever told you subsequent to May 10, 1972 that when he gave the money to Mr. Rebozo for the 1970 congressional campaigns, it was his understanding, that is, Mr. Danner's understanding that it was not up to him, Mr. Danner, to select the candidates to whom the money was to be given.

Mr. DAVIS. My problem is the question.

Mr. FREEDMAN. Wait a minute. Why didn't you ask that of Mr. Danner when he was here for 6 days?

Mr. ARMSTRONG. Well, I believe that was asked of Mr. Danner.

Mr. FREEDMAN. Well, you've got the answer.

Mr. ARMSTRONG. I'm asking Mr. Davis. I'm trying to corroborate Mr. Danner's testimony.

Mr. DAVIS. My problem with your question is that as you phrase it, I don't know whether you are asking me about what took place when the money was delivered or what Mr. Danner told me with respect to the facts and circumstances which led up to the delivery of the money. That is my problem with your question. When you say when he delivered the money, I—that is giving me difficulty in answering you.

Mr. ARMSTRONG. Well, I'm asking if Mr. Danner ever made any statement to you on the subject of who it was that was to select the candidates that were to receive money from this contribution for Mr. Rebozo?

Mr. DAVIS. There's no question that Mr. Danner told me that in connection with that $50,000 initial delivery, and the subsequent $50,000 delivery to Mr. Rebozo, that it was for the purpose of contributing toward congressional campaigns in 1970 to be selected by the administration, as I understood it. No individual was mentioned, but that he was not—that he did not intend to and had not said that this was for Mr. A or Mr. B., or Mr. C., as such.

Mr. ARMSTRONG. OK. And did Mr. Danner also indicate that he was at a later time supposed to be furnished with a list of those candidates that had been supported?

Mr. DAVIS. No, that is not my understanding of what Mr. Danner said to me in several conversations that I had with him in the area that I am able to testify.

Mr. FREEDMAN. I think you should have asked that of Mr. Danner. I don't recall you asking that of Mr. Danner.

Mr. DAVIS. It was my understanding that what Mr. Danner told me was if and when he wanted to know who had received any part of that money, that he would be informed, but I don't recall his ever saying to me that he had an understanding with anybody that he was going to be furnished with a list at any particular point in time.

Mr. ARMSTRONG. Can you tell us when it was that Mr. Danner first informed you that the candidates who were to be supported were to be selected by someone other than himself? How soon after the May 10, 1972 meeting it was?

Mr. DAVIS. I cannot tell you how soon it was thereafter. The conversation I had with Mr. Danner following his testimony before IRS, at which I was present, when he told me what I testified about, that is the way I always understood what Mr. Danner was saying to me, and I think I understand it pretty clearly.

Mr. FREEDMAN. Wait a minute. I think this record ought to indicate, as far as I can recollect—and I have been following this pretty close—you never asked Mr. Danner these questions, and I think it is highly improper, unless you can show me on the record where you asked him, to now ask a witness as to what Mr. Danner told him when you haven't asked Mr. Danner directly.

Mr. ARMSTRONG. Well, I don't have the transcripts. Mr. Lackritz does. I would wait until he returns and show them to you if you like, but I would like to ask Mr. Davis if he recalls that conversation took place in calendar year 1972.

Mr. DAVIS. Oh, yes, I believe that it would be. I don't remember. I don't have a date in mind with respect to the conversations that you are inquiring about and with respect to which I have testified, but I would think it would have occured during the year 1972.

Mr. ARMSTRONG. OK, Mr. Davis, can you tell us when you first became aware that——

Mr. DAVIS. I think it occurred fairly shortly after the date of the IRS interview. How soon after or how much longer thereafter, I just don't have any recollection.

Mr. ARMSTRONG. Can you tell us when you first learned that Mr. Danner was to meet or had met with Mr. Rebozo on May 18 and May 20, 1973?

Mr. DAVIS. The dates don't mean a thing to me.

Mr. ARMSTRONG. This is a meeting in Washington with Mr. Rebozo followed by the meeting at Camp David 2 days later with Mr. Rebozo and the President.

Mr. DAVIS. You mean apart from what he testified to when he was here?

Mr. ARMSTRONG. Yes, sir.

Mr. DAVIS. Well, the first time I heard about that I guess was when I discussed his appearance here in connection with his testimony, and I think what I discovered during that period of time was privileged, other than what you know, and the extent to which I overheard it. If you are asking for a period prior to that, the only time I would have discussed anything with respect to that would have been in conversation——

Mr. ARMSTRONG. Well, let me ask you a question that might make it easier and save Mr. Freedman any anguish. Can you tell me if Mr.

Danner had informed you, by the time that you originally talked with Mr. Gemmill in June of 1973, that he had met with Mr. Rebozo in May of 1973?

Mr. FREEDMAN. Why don't you ask the question this way? If you haven't testified before, Mr. Davis, when did Mr. Danner tell you to call—that you might expect a call from Mr. Gemmill with respect to the return of the money? Is that the question?

Mr. ARMSTRONG. No, that has nothing to do with the question.

Mr. FREEDMAN. Well, I don't know what you're trying to get at. I thought that's what it was.

Mr. ARMSTRONG. Well, let me ask it and listen to it and we'll all know.

Mr. FREEDMAN. Hopefully.

Mr. ARMSTRONG. Do you recall if prior to your first call from Mr. Gemmill, your first conversation with Mr. Gemmill——

Mr. DAVIS. Yes.

Mr. ARMSTRONG [continuing]. If Mr. Danner had informed you that he had met with Mr. Rebozo in Washington, D.C., in May of 1973?

Mr. DAVIS. No.

Mr. ARMSTRONG. And prior to that first call from Mr. Gemmill, had Mr. Danner informed you that he had met with the President at Camp David in May of 1973?

Mr. DAVIS. No.

Mr. ARMSTRONG. Now, I would like to ask the question that Mr. Freedman thought I was putting before, and that is, can you tell us when Mr. Danner first informed you that you can expect that he was expecting a call from Mr. Gemmill?

Mr. DAVIS. That who was expecting a call?

Mr. ARMSTRONG. That Mr. Gemmill was—Mr. Danner was expecting a call from Mr. Gemmill?

Mr. DAVIS. He never told me that that I know of.

Mr. ARMSTRONG. OK. Can you tell us when you first learned that Mr. Rebozo was trying to return the money to Mr. Danner?

Mr. DAVIS. It was in a telephone call that I received from Mr. Danner.

Mr. ARMSTRONG. Can you tell us approximately when that was? Can you place a date on that?

[Mr. Davis nods in the negative.]

Mr. ARMSTRONG. Can you tell us what the substance of Mr. Danner's call was, what he indicated at that time?

Mr. DAVIS. He told me that he had been approached, and that there was a desire—I don't remember if he mentioned the name of Rebozo in the telephone conversation. He referred to the moneys he had delivered which I was aware of in the IRS hearing. However he did that, I don't remember. And that either I was to call or I should expect a call from a Mr. Gemmill who wanted to make arrangements for the return of the money, and—oh, he also said to me that he had been approached, I don't believe he told me who had approached him, or he may have, and that he had said that he had referred the matter to me, and I said fine. I will take it from there.

Mr. ARMSTRONG. And did Mr. Danner indicate why he, himself, did not want to have any further discussions about whoever had approached him about the return of the money?

Mr. DAVIS. As to why he referred the matter to me?

Mr. ARMSTRONG. Yes, sir.

Mr. DAVIS. No. He just informed me that something had come up that he had referred the matter to me, and I said fine.

Mr. ARMSTRONG. Excuse me. We'll take a 10-minute recess.

Mr. DAVIS. He may have said something about I don't know who to refer this to and I thought that you probably were the best person to refer it to and that if you're not the right person, you do something about it, something to that effect. I don't remember his exact words. All I know is I received this call where he told me the substance of what I disclosed to you and he told me he had referred the matter to me and I said fine.

Mr. ARMSTRONG. He didn't indicate any specific reason why he felt it would be inappropriate for him to conduct any further conversations?

Mr. DAVIS. That it would be inappropriate for him?

Mr. ARMSTRONG. Yes, sir.

Mr. DAVIS. No.

Mr. ARMSTRONG. Good. Lets' take a 10-minute recess.

[Recess.]

Mr. DAVIS. Mr. Armstrong, I think I should clarify my last answer. When I said no, I should say I do not recall in that telephone conversation, but I must say that it could have been in a telephone conversation. I am having difficulty remembering when it was that Mr. Danner in effect said to me he didn't know what to do with the money if it was returned to him, and that is why he was referring the matter to me. He might have said in the telephone conversation, he might have told me that after the telephone conversation, I remember Mr. Danner telling me that. Just when he exactly told me that, I cannot say for a certainty.

Mr. ARMSTRONG. What was the next thing that happened regarding the $100,000 contribution after your conversation with Mr. Danner?

Mr. FREEDMAN. I think he has covered that on December 4, 1973.

Mr. DAVIS. Which he probably hasn't read.

Mr. BURSTEIN. The whole thing has been covered.

Mr. ARMSTRONG. Can you give me the pages?

Mr. BURSTEIN. Pages 1 to 10.

Mr. FREEDMAN. Pages 1 to 10.

Mr. ARMSTRONG. This is the——

Mr. BURSTEIN. It's the afternoon session of December 4.

Mr. ARMSTRONG. Well, my question still stands. What was the next event that happened regarding—there's nothing here that indicates to me what the next event after that phone call was.

Mr. FREEDMAN. If it is so important and the witness remembers——

Mr. DAVIS. I had a telephone conversation with Mr. Gemmill.

Mr. ARMSTRONG. And did you have more than one phone conversation with Mr. Gemmill?

Mr. DAVIS. Yes, I've had more than one telephone conversation with Mr. Gemmill.

Mr. ARMSTRONG. OK. The first conversation, I gather, was the one you described on December 4 in which Mr. Gemmill asked you if you would take back the money.

Mr. DAVIS. Well, I don't have it from my testimony from December 4, but I do know that the next thing that happened after I received that call from Mr. Danner was a telephone conversation with Mr. Gemmill which I know I previously described in another session.

Mr. ARMSTRONG. OK, now; subsequent to the return of the money, did you provide Mr. Gemmill with Mr. Danner's affidavit which amended his previous testimony before the Internal Revenue Service?

Mr. DAVIS. It is my recollection that I did, and I believe I so testified previously.

Mr. ARMSTRONG. I think your testimony before was to the question of having provided a copy of the original——

Mr. DAVIS. Well, if you'll take the time to read more of my prior testimony, you'll find that I also referred to a request for that correcting affidavit. I believe I also testified that I asked Mr. Danner if he had any objection to furnishing to Mr. Gemmill, and when he told me he did not, I made it available to Mr. Gemmill.

Mr. ARMSTRONG. This was a request from Mr. Gemmill?

Mr. DAVIS. Yes, I believe it was.

Mr. ARMSTRONG. OK. Did you ever have any conversation directly with Mr. Rebozo regarding the return of the money?

Mr. DAVIS. Not with respect to the return of the money or the arrangements for the return of the money. I have a recollection of having a telephone conversation, I believe it was with Mr. Rebozo at a time when I was in Mr. Gemmill's office conducting an investigation relative to my desires to obtain information related to the issues that were involved in the Maheu litigation.

Mr. ARMSTRONG. Can you just tell us when that was, sir?

Mr. DAVIS. I cannot give you a date, no.

Mr. ARMSTRONG. Was it after Mr. Gemmill—was it after the money had been inspected in the safety deposit box—I believe it was around October 10?

Mr. DAVIS. No. I don't relate it to the—see. I was not involved, personally involved in connection with the actual receipt of the money. I had made arrangements with Mr. Glaeser in my office to receive the money.

Mr. ARMSTRONG. I'm referring to the inspection of the money by the Internal Revenue Service in October. Do you know if it was before that date?

Mr. DAVIS. Well, I don't associate the two events together. It was sometime during a period when I developed a sense of curiosity in connection with the investigation I was conducting, and I was trying to obtain as much information as I could with respect to the origin and source of those funds, the connection with the investigation I was then conducting, part of the investigation I was then conducting with respect to the accountability of Mr. Maheu with money he had obtained.

Mr. ARMSTRONG. Can you tell us what Mr. Rebozo related to you on the phone on that occasion?

Mr. DAVIS. Mr. Freedman, I have no objection to going into it, but I don't want to in any way, shape or form waive any part of my work product privilege for fear that if I do I lose it all. And that is my concern, sir, with respect to giving you any part of any information I obtained while engaged in those activities.

So I want to avoid the possibility that on some subsequent occasion, well, now, you testified with respect to that and therefore you want to inquire of me everything that I obtained by way of facts and knowledge as a part of my investigation.

Now, my recollection is that at the time you are referring to, I was then engaged in, among other things, pursuing efforts that I was engaged in with the staff that I employed in gathering facts that would be useful in connection with the effort that I was then making to obtain accountability from Mr. Maheu, and I don't want to waive any part of my activities in that regard.

Mr. ARMSTRONG. The committee is willing in such cases, without considering it in any way a waiver of your——

Mr. DAVIS. Well, I know the committee is willing to. That's not my problem. My problem is what happens to me on some subsequent occasion when someone asks me the question of whether or not I revealed or disclosed any part of that privileged information to third persons, and you are a third person to me, sir, unrelated to my staff.

Mr. FREEDMAN. I will advise you, Mr. Davis, not to respond as to what Mr. Rebozo told you in connection with your inquiry relating to your efforts to ascertain an accountability of the moneys that Mr. Maheu had given.

Mr. ARMSTRONG. Can you tell us if what Mr. Rebozo related conflicted with Mr. Danner's testimony before this committee?

Mr. FREEDMAN. Wait a minute. That is the same question. That raises the same problem.

Mr. DAVIS. To ease your mind, Mr. Danner did not testify to those aspects that I was investigating, that I am aware of.

Mr. ARMSTRONG. OK. Is that the only conversation you have had with Mr. Rebozo on the subject of the $100,000 contribution?

Mr. DAVIS. It is my recollection that actually I was not seeking that information from Mr. Rebozo. I was having a conversation with Mr. Gemmill, as I recall, in his office when the call came through, and he said to me, well, why don't you ask whatever it is you want to know directly to Mr. Rebozo, and that is what in effect I did.

Mr. ARMSTRONG. Have you had any other conversations with Mr. Rebozo other than on that occasion?

Mr. DAVIS. No, not that I know of.

Mr. ARMSTRONG. Is that the only conversation since January 1, 1969, that you've had with Mr. Rebozo on any subject that you recall?

Mr. DAVIS. Insofar as I know, I never met the gentleman, I never talked to him other than in connection with what I just have identified.

Mr. ARMSTRONG. Now, are you aware of any requests from Mr. Rebozo or any agent or representative or designee of Mr. Rebozo's including his counsel, that Mr. Hughes, any request that Mr. Hughes considered a contribution to be a gift rather than a contribution?

Mr. DAVIS. No.

Mr. FREEDMAN. Now, wait a minute, this is where somebody on behalf of Mr. Rebozo wanted Mr. Hughes to make that statement, and you wanted to know whether Mr. Davis knows anything about that?

Mr. ARMSTRONG. Yes.

Mr. FREEDMAN. Your answer is no?

Mr. DAVIS. No.

Mr. ARMSTRONG. Are you aware of whether or not any agent or representative or designee of Mr. Hughes has ever advised Mr. Rebozo that he could consider the $100,000 a gift as opposed to a contribution?

Mr. DAVIS. No.

Mr. ARMSTRONG. By that I mean a personal gift to either he or the President as opposed to a contribution, as opposed to a contribution to a political committee?

Mr. DAVIS. No.

Mr. ARMSTRONG. And do you know if Mr. Hughes has ever advised anyone that he was willing to consider that to be a gift, a personal gift as opposed to a contribution?

Mr. DAVIS. No.

Mr. FREEDMAN. The answer is no.

Mr. DAVIS. That's right.

Mr. ARMSTRONG. Do you know if any report in the form of a gift tax return has ever been filed in relationship to either of the $50,000 contributions given to Mr. Rebozo by Mr. Hughes or anyone on his behalf?

Mr. FREEDMAN. Is that privileged, Mr. Davis, in your opinion?

Mr. DAVIS. What his tax return—well, I don't have any—I mean, I don't deal, except with respect to limited questions, I don't deal with Mr. Hughes' tax returns. I only deal with matters that are specifically called to my attention.

I can say to you I don't have any information indicating or tending to indicate that that was ever considered or ever done. I am not personally knowledgeable with respect to Mr. Hughes' tax returns.

Mr. ARMSTRONG. OK. Now, are you aware of any requests from Mr. Rebozo or any agent, representative or designee of Mr. Rebozo's for any moneys other—or any funds other than the two $50,000 contributions which he received from Mr. Danner?

Mr. DAVIS. No.

Mr. ARMSTRONG. And are you aware of any other funds which Mr. Hughes has provided to Mr. Rebozo other than the two $50,000 contributions which Mr. Danner gave him?

Mr. DAVIS. No.

Mr. ARMSTRONG. Are you aware of any request on Mr. Rebozo's part or in the part of any agent, representative or designee of Mr. Rebozo, that Mr. Hughes or any agent, representative or designee or employee of Mr. Hughes exchange $100 bills or provide him with any quantity of $100 bills in return for cash or funds which he had?

Mr. DAVIS. No.

Mr. ARMSTRONG. Regardless of the request, are you aware if that ever happened, if $100 bills were ever exchanged——

Mr. DAVIS. I don't know that it ever happened.

Mr. ARMSTRONG. OK, now, can you tell us when you first became aware that Mr. Lawrence O'Brien had been retained by Mr. Maheu on behalf of the Hughes Tool Co.?

Mr. DAVIS. Well, I became aware of Mr. Maheu having first had some conversations with Mr. O'Brien and subsequently having retained the services of either Mr. O'Brien himself or Mr. O'Brien's public relations firm in New York, from conversations I had with Mr. Maheu which I cannot place as to date but which in the context of those

conversations, took place at or about the time when Mr. O'Brien became—well, it was in a conversation with Mr. Maheu that I first learned of the development of a possible relationship, and thereafter, of an actual relationship with Mr. O'Brien.

Mr. ARMSTRONG. Do you recall in the context of the possible relationship if Mr. Maheu informed you shortly thereafter that because Mr. O'Brien had decided to manage or comanage Senator Humphrey's campaign, that getting O'Brien on board would be delayed until sometime in 1969?

Mr. DAVIS. My recollection is that Mr. Maheu told me that Mr. O'Brien had decided to head some brokerage house.

Mr. ARMSTRONG. I believe that was subsequent to the campaign.

Mr. DAVIS. Well, I just have a recollection of Mr. Maheu telling me that Mr. O'Brien was not going to be available.

Mr. FREEDMAN. And you cannot remember when that was.

Mr. DAVIS. No; not as a date. I could follow it in terms of sequence of events.

Mr. ARMSTRONG. You don't recall if there were one or two delays in Mr. O'Brien's consultancy?

Mr. DAVIS. Well, I don't know if there were one or two delays. All I know is Mr. Maheu told me that he had contacted, had conversations with Mr. O'Brien looking toward the development of a relationship in some terms then to be negotiated. You were asking me when I first learned about it. Subsequently, of course, subsequent to the termination of Mr. Maheu I then did have access and was furnished with—I don't have the dates—an exchange of letters between Mr. Maheu and Mr. O'Brien, and——

Mr. ARMSTRONG. These were the letters that led up to and culminated in the consultancy agreement?

Mr. DAVIS. Well, these are the letters that reflected the arrangement that was made. I also recall receiving a letter from Mr. O'Brien at which he reviewed the—in the letter to me, of the development of his relationship with the Hughes Tool Co. That was in connection with the discussions he was having—I was having with Mr. O'Brien with respect to the termination of the arrangement. That is all.

I am having difficulty separating your question of when I first learned of something and information that I subsequently obtained.

Mr. ARMSTRONG. Well, I gather there did come a time sometime in 1969 when Mr. O'Brien did begin an arrangement, a consultancy arrangement that he had set up with Mr. Maheu. Is that correct?

Mr. FREEDMAN. Do you now know?—that is the question.

Mr. ARMSTRONG. Yes.

Mr. DAVIS. Do I now know that?

Mr. ARMSTRONG. Yes, sir.

Mr. DAVIS. Yes; I know what the letters reflect, and I know that there was a point in time when Mr. O'Brien was available because I participated in a meeting in which he was involved.

Mr. ARMSTRONG. OK. Can you tell us about what the subject or subjects of meetings that you took part in with Mr. O'Brien when Mr. O'Brien was a consultant to the Hughes Tool Co.?

Mr. DAVIS. Well, I recall a particular meeting. I am not so sure it was the only one, but it was one I do recall when there was a—quite a conversation with respect to the desirability of undertaking some kind

of public relations activity to develop a public image of Mr. Hughes in terms of his accomplishments rather than in terms of what had transpired either in connection with the TWA litigation or other matters. It was a meeting involving Mr. Maheu and Mr. O'Brien, myself and others where that was discussed at some length, and it also involved, as I recall, the manner in which some of the accomplishments of the Hughes Aircraft Co. could be considered, how to present the facts more accurately and more effectively than the kind of publicity that was then taking place, which was, according to Mr. O'Brien, and properly so, false and inaccurate by reason of what appeared in the press and books that people wanted to publish and that sort of thing, and he thought it would be highly desirable if he was given actually I think—he was discussing with Mr. Maheu and I the kinds of things which we thought he could undertake and would be supported in undertaking.

Mr. ARMSTRONG. Was this meeting in New York?

Mr. DAVIS. Yes; in a hotel room.

Mr. ARMSTRONG. Do you recall what hotel that was, by the way?

Mr. DAVIS. I can't remember the name of the hotel.

Mr. FREEDMAN. Does it make any difference, really?

Mr. ARMSTRONG. I think it helps specify what meeting we are talking about.

Mr. FREEDMAN. I don't see how it does that.

Mr. ARMSTRONG. Do you recall if Mr. Edward Morgan was present at that meeting?

Mr. DAVIS. Yes; at least he was present during part of the meeting, but he was also there. There were a number of people there and that was a meeting which subsequently also became involved in this question of the use of or possible change in counsel in the TWA case.

Mr. ARMSTRONG. Do you know if Mr. O'Brien represented the Hughes Tool Co. in any matter before the Federal Government or had any contact with Federal agencies or employees?

Mr. DAVIS. As far as I know, he never did.

Mr. ARMSTRONG. Can you tell us, Mr. Davis, your knowledge of the circumstances which led to the termination of the arrangement between Mr. O'Brien and the Hughes Tool Co.?

Mr. FREEDMAN. Now, look, I think this—we are entitled and particularly, we are entitled to show how this line of inquiry has anything whatsoever to do with the Presidential campaign of 1972, and unless you show us without something that maybe will tie it up and maybe we've got something in the back of our mind and explain rationally on the record any rational, reasonable connection, I will advise the witness not to answer. I think we've gone far enough and have been indulgent enough; that this is a complete fishing expedition that for some extraneous reason outside of a person's curiosity about Mr. O'Brien——

Mr. ARMSTRONG. Well, let me ask you this, Mr. Freedman. Do you really have difficulty understanding how an investigation into the circumstances that led to the break-in to the premises of Mr. O'Brien's office, and what part of a plan that allegedly included a plan, was to be financed by the Hughes Tool Co., given the circumstances?

Mr. FREEDMAN. You show me the evidence that says there was any financing by the Hughes Tool Co., of the break-in of Mr. O'Brien's of-

fices, which I think is what you just said—you show me that and we'll go ahead.

Mr. ARMSTRONG. Mr. Freedman, if you do not show me the courtesy of listening to what I am going to say, I don't know why I should address you. Can you answer my question, Mr. Davis?

Mr. FREEDMAN. Well, I am—I'm telling him that unless you show there's some relevancy——

Mr. ARMSTRONG. Well, if you wish to instruct the witness not to answer, would you please do that? The question is so clearly relevant I'm absolutely flabbergasted——

Mr. FREEDMAN. I am flabbergasted by this line of inquiry.

Mr. DAVIS. What's the question?

Mr. ARMSTRONG. The question is: If you can tell us the circumstances that led to Mr. O'Brien's termination, the termination of the arrangement between Mr. O'Brien and the Hughes Tool Co.?

Mr. DAVIS. Let's go off the record.

[Discussion off the record.]

Mr. FREEDMAN. All right, back on the record. Maybe it's faster to answer the question than to keep arguing about it.

Mr. DAVIS. I don't understand the question; that is my problem.

Mr. ARMSTRONG. The question is, can you tell us the circumstances which led to the termination of the arrangement——

Mr. DAVIS. Well, I don't know what you mean by the circumstances which led to—I had conversations with Mr. O'Brien in which he indicated, as it turned out, he did not feel that he was or had been permitted to, in the sense of undertaking or launching the kind of programs that had previously been discussed, and that he thought that while he would always—he always would remain available on some basis—the fair thing to discuss was termination, which we did, and we terminated, and I think it is reflected in the correspondence I had with him.

But I had conversations with him with respect to it when following the termination of Mr. Maheu and after the discovery, as far as I was concerned, of the letters which had been exchanged and the—I had a conversation with Mr. O'Brien.

You see, the thing you must understand is, going back to that meeting I referred to a moment ago, Mr. O'Brien and at that point in time, Mr. Maheu was tending to indicate that the Hughes Tool Co. and Mr. Hughes, I believe also HHMI and HHC were willing to sponsor, participate in or support an effort to bring about what the true facts were instead of having the public misled as the contention was, they were being misled by newspaper accounts and by these irrational books that were being published which did not fairly reflect what the facts were, and he was pointing out all the kinds of things, wonderful things, he was putting it that HHC had done, that Hughes had done, that HHMI was doing, that the public didn't know anything about, and he thought that something ought to be done about it.

And I was pointing out that it was my understanding to that point in time that Mr. Hughes had chosen not to seek publicity with respect to any of his achievements or the achievements of any of his companies. Mr. Maheu was in effect saying, well, he thought that there had been a change in philosophy, and he thought that the point had

been reached when Mr. Hughes would be willing to permit those kinds of activities, and in fact nothing developed.

And so when I had my conversation with Mr. O'Brien he in effect was saying, well, he and his organization had come aboard to do a job and he did not feel what he had felt that he had done some things which he described, that he was not doing enough of what he thought O'Brien and Associates were capable of doing and should be doing. And I told him that I didn't think there was any likelihood that the policies which had prevailed in the past insofar as I was concerned—I had seen no indication that they were about to change, irrespective of what Mr. Maheu might have told him.

And he felt if, in fact, that was going to be so, he thought that we ought to discuss termination of the arrangement because he didn't see the point of getting paid for nothing.

Mr. ARMSTRONG. Mr. O'Brien was on a fixed retainer so that he received fees regardless of the services provided.

Mr. FREEDMAN. If you know.

Mr. DAVIS. I don't know, but my understanding is that he was receiving an amount in accordance with the terms of those letters exchanged that I referred to. I believe at the time of my conversation with Mr. O'Brien no payment had been made for some period of time and one of the questions was, what should we do about it, some kind of a—I don't know whether or not he had written the letter that was referred to me, or just exactly how the subject came up, but that is basically the way the circumstances developed, that ended up with a termination of the arrangement with Mr. O'Brien. That was it.

Mr. ARMSTRONG. Thank you.

Mr. SCHULTZ. Do you know the amount paid Mr. O'Brien?

Mr. DAVIS. I don't think I could be accurate about it now. Yes, I did know at the time. The letter reflects it. I don't remember exactly what it is now. And if you will recall, I was subpenaed and produced my files with respect to the arrangements with Mr. O'Brien.

Mr. SCHULTZ. That is correct.

Mr. ARMSTRONG. Do you know, did Mr. Bennett, Robert Bennett of Mullen & Co. to your knowledge ever inquire as to what the terms of the arrangement between Hughes Tool Co. and Mr. O'Brien were?

Mr. DAVIS. What was the question?

Mr. ARMSTRONG. Did Mr. Bennett ever inquire into what the arrangements were between the Hughes Tool Co. and Mr. O'Brien?

Mr. DAVIS. I believe that there were conversations, and I believe I had a conversation with Mr. Bennett sometime after his services were retained for—as Washington representative of Hughes Tool Co., who was inquiring as to what was the nature and scope of our relationship with Mr. O'Brien and O'Brien and Associates. That was when I recall, when we picked up the pieces, so to speak, after the termination of Mr. Maheu and when arrangements were made with Mr. Bennett as to who was going to be responsible for what aspects of it, and I think at that time he did—somebody was inquiring of me, I believe Mr. Bennett—I am almost positive that that conversation with Mr. Bennett with respect to what the nature and the scope of our arrangement with Mr. O'Brien was.

Mr. ARMSTRONG. This would have been at the very last part of 1970 or early 1971?

Mr. DAVIS. It would not have been in 1970.

Mr. ARMSTRONG. It was subsequent to Mr. Maheu's termination in December 1970.

Mr. DAVIS. Oh, yes. It was subsequent to the arrangements that were made with Mr. Bennett for assuming the responsibility himself and whatever staff he had——

Mr. ARMSTRONG. For public relations?

Mr. DAVIS. Yes, public relations and being—because that was supposed to have been one of the areas covered by the prior arrangements with Maheu and Associates.

Mr. ARMSTRONG. There was a small overlap between Mr. Bennett assumed—when his arrangement began and when Mr. O'Brien's terminated, was there not?

Mr. FREEDMAN. If you remember.

Mr. DAVIS. Well, you would have to give me the dates. I don't have any clear recollection of just exactly when either of those two events occurred.

Mr. SCHULTZ. Scott, I think you're confusing the O'Brien termination and the Maheu termination and the takeover.

Mr. ARMSTRONG. I said there was a small overlap between when Mr. Bennett began his arrangement and when Mr. O'Brien terminated his arrangement. That was the question, wasn't it?

Mr. FREEDMAN. Yes.

Mr. ARMSTRONG. OK, well let's let it stand. At any rate, Mr. Davis doesn't know. Now, do you recall, Mr. Davis, if you were aware prior to the calendar year 1973 of any relationship between any employees or representatives of the Hughes Tool Co. and Mr. Donald Nixon—F. Donald Nixon, the President's brother?

Mr. DAVIS. Well, if I understand your question correctly, of an employee of the Hughes Tool Co., the answer is no, I do not know. I have never heard of any relationship between an employee of the Hughes Tool Co. and F. Donald Nixon.

Mr. ARMSTRONG. How about an employee of Robert Maheu and Associates?

Mr. DAVIS. I was aware of—Mr. Maheu has told me of Mr. John Meier and our efforts that involved him, efforts that involved Mr. F. Donald Nixon.

Mr. ARMSTRONG. And can you tell us when Mr. Maheu might have informed you of that?

Mr. DAVIS. Well, again, I don't relate things with dates. I relate events. Even the sequence of events, it was at a time when Mr. Maheu was expresssing to me a concern which he had or which was developing because of the activities that either Meier and Donald Nixon were involved in. I remember a particular conversation when contrary—Maheu was telling me, efforts that he had made, or was supposed to have made, urging Mr. Meier to sever at least his business relationships, whatever they were, with Mr. Nixon, nevertheless having met Mr. Nixon at some airport. Now, how he knew that, I don't know. But I remember his telling me that and expressing concern with respect to Mr. Meier.

Mr. Maheu was very high on Mr. Meier at one point and then apparently became disenchanted about Mr. Meier, or at least that is what he was—that is what he was telling me.

Mr. ARMSTRONG. At any time did you become aware of any requests or any concern expressed by Mr. Rebozo or by representatives of the Nixon administration about the relationship between Mr. Meier and Mr. F. Donald Nixon?

Mr. FREEDMAN. All right, now, listen. This was gone into in great detail with other witnesses, and I don't want to have to keep going over and over it.

Mr. DAVIS. I never heard of that other than my familiarity with what has been disclosed or revealed in testimony in these proceedings and comparable proceedings, so many of them are going on. I have no awareness of any concern.

Mr. ARMSTRONG. Independent of these hearings or of media reports on the subject.

Mr. DAVIS. Independent, no. None other than these hearings and comparable hearings.

Mr. ARMSTRONG. Mr. Davis, were you aware of any involvement that Mr. Donald Nixon had in the acquisition of Air West?

Mr. DAVIS. As far as I know, he was not involved at all.

Mr. FREEDMAN. Now, I will just make the statement I don't know what that has got to do with the 1972 Presidential campaign.

Mr. ARMSTRONG. The answer is "No" to the question?

Mr. DAVIS. I don't understand the question to begin with.

Mr. ARMSTRONG. Well, are you aware of any role that Mr. Donald Nixon had and his involvement in the acquisition of Air West by Hughes Tool Co.?

Mr. DAVIS. No.

Mr. ARMSTRONG. Did anyone ever tell you that he was claiming or felt that he deserved a finder's fee in that acquisition?

Mr. DAVIS. That Mr. Donald Nixon was claiming a finder's fee?

Mr. ARMSTRONG. Yes, sir.

Mr. DAVIS. I don't believe anybody ever told me that. There is—well, it didn't involve—a character is the best way you can refer to him, who was making an assertion about claiming he had something to do with Air West or claiming a finder's fee, but the name Donald Nixon as far as I know didn't come up in that story. What he was telling me was so phony that it was unbelievable.

Mr. ARMSTRONG. Are you referring to Mr. Murray?

Mr. DAVIS. Yes, Mr. Murray.

Mr. ARMSTRONG. Now, can you tell us when you first became aware of any allegations involving the plan to break into the premises of Herman Greenspun?

Mr. DAVIS. I think there was some reference in the newspapers about it, or someone called me about he had heard some testimony of Hunt or somebody like that is my best recollection of it. It is the first time I ever became aware of someone making any——

Mr. ARMSTRONG. Do you recall attending a board meeting in Encino, Calif., and receiving a call, a message from your New York office that there was a reporter that wished to talk to you about an alleged interview given by Mr. Bennett relating to material in Mr. Greenspun's safe?

Mr. DAVIS. Yes, I remember the board meetings that I was attending in Encino when I received the message or an inquiry. I think some newspaper reporter was trying to reach me.

Mr. ARMSTRONG. Would that have been the occasion during this board meeting? Would that have been the occasion of when you first learned of these allegations?

Mr. FREEDMAN. Allegations? What allegations?

The witness testified that the first time he heard about it was when he either read it or somebody told him that there was some testimony someplace by Mr. Hunt.

Mr. ARMSTRONG. I'm trying to refresh his recollection.

Mr. DAVIS. Well, what you're referring to in my recollection there was with respect to an alleged interview or statement that was attributed to Mr. Bennett by some newspaper reporter where some newspaper reporter was trying to reach me, and what my recollection is, that at some point in time—and that, so far as I'm concerned, had nothing to do with other than some alleged interview or statement that some newspaper was trying to track down.

What I am referring to is I have a vague recollection of someone either calling me or sending me or telling me in connection with the Senate committee hearings that Mr. Hunt had testified to something or other, Hunt or maybe Mr. Liddy, I don't know.

Mr. ARMSTRONG. Mr. McCord?

Mr. DAVIS. It could have been Mr. McCord.

Mr. ARMSTRONG. And this would have been in 1973?

Mr. DAVIS. Whenever that took place.

Mr. ARMSTRONG. Well, do you recall if the—in the instance you are referring to, if he referred, whatever inquiry touched it off, to Mr. Richard, Mr. Hanna, Mr. Richard Hanna?

Mr. DAVIS. No. You are confusing two things.

I referred this inquiry from this newspaper reporter at the time that I was in Encino at these board meetings, to Mr. Hanna, as I oftentimes did when newspaper reporters were trying to reach me about something or other. I sometimes would call Mr. Hanna and ask him to try to find out what it was all about.

Mr. ARMSTRONG. Do you recall some mention of it prior to that time?

Mr. DAVIS. The two are unrelated to me. What you are referring to and my conversation with Mr. Hanna was the result of an inquiry that was passed on to me by my office that some newspaper reporter was trying to reach me about Mr. Bennett having had some kind of an interview or having made some statement to some newspaper reporter.

What I told you before was that I don't know when one event occurred with the other because the two, so far as I am concerned, were separate events, is that somebody told me about some testimony being given, whether it was Mr. McCord or Mr. Hunt or Mr. Liddy, I don't know, when testifying in public hearings, made a reference to a plan relating to Mr. Greenspun and his safe.

Mr. ARMSTRONG. Can you tell us when you first heard of any alleged meetings between Mr. Winte and Mr. Hunt or any other representative of the Committee To Re-Elect the President, regarding the break-in of Mr. Greenspun's safe?

Mr. FREEDMAN. If that happened.

Mr. DAVIS. Yes. There came a point in time when Mr. Winte consulted me with respect to interviews that either he had been asked to

be interviewed by the FBI out of the Special Prosecutor's office, and that is when I had the conversation with Mr. Winte relating to that event.

Mr. ARMSTRONG. Was this May 1973, sir, about the time of Mr. McCord's testimony publicly?

Mr. DAVIS. No. My conversation with Mr. Winte related to his having been contacted, and his inquiry to me about holding that interview, and the desirability or lack of desirability of having someone there. I told him to go ahead and be interviewed and tell them whatever he knew.

Mr. ARMSTRONG. That is the first time you ever spoke to Mr. Winte about his meeting with Mr. Hunt?

Mr. DAVIS. That is my recollection of the first time that I had a detailed conversation with Mr. Winte. It was after, I think, he had been interviewed by the FBI, but when it is in point of time I just don't know.

Mr. ARMSTRONG. Do you recall if he had spoken to Mr. Gay or anyone else prior to that point in time?

Mr. FREEDMAN. Well, how would he know whether he had talked to Mr. Gay unless he was present when Mr. Winte talked to Gay?

Mr. ARMSTRONG. I said you talked to him.

Mr. DAVIS. Well, I had conversations with Mr. Gay following my interview with Mr. Winte, yes, but in connection with what I just described.

Mr. ARMSTRONG. Prior to your conversation with Mr. Winte, did you have a conversation with Mr. Gay on that subject?

Mr. DAVIS. No.

Mr. ARMSTRONG. Now, can you tell us what Mr. Winte told you at that time?

Mr. DAVIS. No.

Mr. ARMSTRONG. Is that within the attorney-client privilege?

Mr. DAVIS. Yes.

Mr. ARMSTRONG. Did Mr. Winte relate to you conversations that he had with Mr. Hunt which involved a plan, a potential plan to break into the premises of Mr. Greenspun which would be a crime and therefore not covered by the attorney-client privilege?

Mr. DAVIS. As far as I am concerned, Mr. Winte was not involved in criminal conduct.

Mr. FREEDMAN. Wait a minute, let's get this exception to the attorney-client privilege correct.

Mr. DAVIS. What he's saying is that criminals don't have a right to consult an attorney, but he's not an attorney.

Mr. BURSTEIN. That's the exception to it. That's wrong.

Mr. ARMSTRONG. I am referring to a conversation in perpetuation of—in which Mr. Winte may have indicated that he had not brought forth information when previously required by the FBI or any other Federal agency.

Mr. FREEDMAN. Wait a minute. If you are asking the witness what Mr. Winte told him, I think it is covered by the attorney-client privilege.

Mr. ARMSTRONG. Well, did you discuss with us, Mr. Davis, on October 10, 1973, the fact that Mr. Winte had told you that he had met with two men in California, and that they had asked about a possible ar-

rangement that could be made for the use of an executive aircraft of the Hughes Tool Co. in return for whatever it is that they might have found in Mr. Greenspun's safe that could be of interest to the Hughes Tool Co.?

Mr. FREEDMAN. Now, wait a minute. You are reading from something, Mr. Armstrong. Would you mind telling us what it is?

Mr. ARMSTRONG. I'm reading from the notes of an interview of October 10, 1973, with Mr. Chester Davis, at which Mr. Richmond Anderson was present, purportedly taking down a verbatim transcript for Mr. Davis' benefit.

Mr. DAVIS. Well, the same is true with respect to your prior question relating to political contributions. I don't know what your're talking about. If you show me what it is I previously testified about——

Mr. ARMSTRONG. Well, I just read it and I'm asking if you—did you tell us that?

Mr. DAVIS. No; because you're taking things out of context. You apparently don't understand what you read to begin with, and you are construing whatever it is that you are construing in a manner which I cannot recognize. Now, if you can show me what it is that you think I said on a prior ocassion, I will be glad to try to explain it to you.

Mr. ARMSTRONG. Well, can you tell me whether or not you recall saying what I just read to you? It's a yes-or-no question.

Mr. DAVIS. No; not in the way that you are paraphasing it.

Mr. ARMSTRONG. Can you tell us what you recall saying to us on that occasion?

Mr. DAVIS. No; I don't recall. I answered your question.

Mr. ARMSTRONG. Well, how do you know you don't recall saying exactly what I just read?

Mr. DAVIS. I am telling you what you just read is false. Is that clear enough?

Mr. ARMSTRONG. Do you recall telling us that Mr. Winte had told you that he had met with Mr. Hunt in Mr. Bennett's office?

Mr. DAVIS. No; I don't recall that aspect of it. I do recall having been told that Mr. Winte had met Mr. Hunt, but I don't know in what context you are referring to it, so unless you can show me what it is, what testimony I gave, then I cannot explain to you what it is that you are referring to.

Mr. ARMSTRONG. Do you recall discussing this subject with us at all on October 10, 1973?

Mr. DAVIS. Discussing what subject?

Mr. ARMSTRONG. The subject of Mr. Winte's conversations with you regarding his prior conversations with Mr. Hunt and Mr. Liddy?

Mr. DAVIS. I recall some questions about Mr. Winte, but I can't place them in context, that's my problem.

Mr. Armstrong, I am not going to waive the attorney-client privilege. There are conversations which may have taken place which I regarded then and would also regard now as being outside of the attorney-client privilege, but not the way you are asking the question.

Mr. ARMSTRONG. Well, didn't you discuss this with us on a prior occasion and didn't you waive privilege at that time?

Mr. DAVIS. You say discuss this. I don't know what you're talking about until you show me what it is that you claim that I have said, and

then I will tell you whether or not that refreshes my recollection of having said something.

Mr. ARMSTRONG. Is it or is it not a fact that you discussed this with us on October 10, 1973?

Mr. DAVIS. Discussed what, sir?

Mr. ARMSTRONG. Discussed your conversation with Mr. Winte in which he discussed with you his conversation with Mr. Hunt regarding a break-in to Herman Greenspun's office?

Mr. DAVIS. I don't have any independent recollection of that at this time, but that may have taken place, and if you show me what was said at that time, I am sure I will be able to explain it to you.

Mr. ARMSTRONG. Didn't you, in fact, waive the privilege at that time by discussing that with us?

Mr. DAVIS. I don't believe I did, I never intended to, and I don't think I did.

Mr. ARMSTRONG. Do you recall on October 10, 1973, Mr. Davis, telling us in substance that the first time you found out this desire to make a deal to provide an aircraft in return for finding whatever it was to be found in Greenspun's safe was when Davis received a phone call from Winte saying he was about to be interviewed by the FBI out of Cox's office, and asked if Davis thought he should have an attorney present?

Mr. DAVIS. I recall receiving a telephone call from Mr. Winte when he informed me that he had been contacted by the FBI out of the special prosecutor's office and I referred to that a moment ago. I don't know what the date of it was.

Mr. ARMSTRONG. And did you tell Mr. Winte that you did not see a need for him to have an attorney and that he should tell the FBI whatever he knew about it?

Mr. DAVIS. Yes; there is no question that I told Mr. Winte that I didn't see any need or reason for an attorney being present in connection with an interview by the FBI.

Mr. ARMSTRONG. And that the occasion of that phone call was the first time that Mr. Winte had told you that he had met with Mr. Hunt and Mr. Liddy in California, and that they had asked about a possible arrangement that could be made for the use of an executive aircraft of the Hughes Tool Co. in return for whatever it is that they may have found in Mr. Greenspun's safe——

Mr. DAVIS. That's inaccurate.

Mr. ARMSTRONG. That could be of interest to the Hughes Tool Co.

Mr. DAVIS. No, sir, no, sir, that is not true.

Mr. ARMSTRONG. And did you tell us at that time that Mr. Winte told you that he does not know where Mr. Greenspun's office is?

Mr. FREEDMAN. Wait a minute, wait a minute.

Mr. DAVIS. At that time refers to when? When he asked me whether or not he should be interviewed by the FBI?

Mr. ARMSTRONG. Yes, sir.

Mr. DAVIS. No, sir, I don't recall any such thing.

Mr. FREEDMAN. Wait a minute. You're starting to get into the lawyer-client relationship.

Mr. DAVIS. No, no, no. He's referring to what it is that Mr. Winte said to me in connection with—and at that point I did not get in-

volved in giving advice to Mr. Winte or anything else. I told him that if the FBI wanted to talk to him about anything, there was no reason why, based upon everything that I knew, he could not talk to him, and he did not need a lawyer. He was asking me about it.

Mr. ARMSTRONG. Do you recall on any occasion that Mr. Winte asked, saying that he did not know where Mr. Greenspun's office is?

Mr. DAVIS. What's the question?

Mr. ARMSTRONG. Do you recall on any occasion that Mr. Winte told you that he did not know where Mr. Greenspun's office is?

Mr. DAVIS. Yes; I believe Mr. Winte told me that at some point in time.

Mr. ARMSTRONG. And do you recall Mr. Winte at any time told you that he went to Mr. Gay about the plan and that it was turned down and that that was the end of it?

Mr. DAVIS. I don't know anything about the plan.

Mr. ARMSTRONG. The plan to break into the premises of Mr. Greenspun.

Mr. DAVIS. No; I do not recall it in that context.

Mr. ARMSTRONG. Can you tell us what context you do recall it in?

Mr. FREEDMAN. If it is not lawyer-client privilege.

Mr. DAVIS. Well, I don't know what you're talking about, that's my problem. You are trying to say that I said something in a prior interview, and until you tell me or show me what it is that you claim that I said in the prior interview, I am not going to be in the position to explain to you what it is I was referring to or what I was describing to you.

It is perfectly clear to me from the way you are phrasing your questions that you are making some interpretation of things I may have told you before which are completely erroneous.

Mr. ARMSTRONG. Well, I'm giving you an opportunity to correct that interpretation.

Mr. DAVIS. Well, I don't know what your interpretation is. I am telling you what you are saying is not true.

Mr. ARMSTRONG. Do you ever recall Mr. Winte telling you he went to talk to Mr. Gay about his conversation with Mr. Hunt and Mr. Liddy?

Mr. DAVIS. What was the question now? Do I recall what?

Mr. ARMSTRONG. Do you recall Mr. Winte ever telling you that he had gone to Mr. Gay and discussed with him his conversation with Mr. Hunt and Mr. Liddy?

Mr. DAVIS. You are asking me do I recall that other than on an occasion when Mr. Winte was consulting me? Is that what you are asking me?

Mr. ARMSTRONG. Well, I'm asking you if he ever——

Mr. DAVIS. Because I'm not going to tell you what it is that took place when Mr. Winte was consulting me, OK?

Mr. ARMSTRONG. Well, did he ever tell you that in any instance when he was not consulting you?

Mr. DAVIS. Well, that is what I cannot remember. That is my problem. I am not saying it did not take place on some other occasion, and that is why I am saying to you that if you had a transcript as I asked you to have a transcript of prior hearings, and that is the problem

with the improper manner in which you've been conducting these interviews, and your refusal subsequently to furnish the person who has testified with a transcript of those interviews.

Mr. ARMSTRONG. Mr. Davis, if you recall, it was at your request that we allowed Mr. Anderson to sit in and make a transcript for you.

Mr. DAVIS. That may be, but I'm making—I don't have it with me.

Mr. ARMSTRONG. Well, that's your problem.

Mr. DAVIS. I'm making it your problem right now.

Mr. FREEDMAN. How did the witness know you were going to get into that subject matter?

Mr. DAVIS. I asked you and I requested that there be—that you provide a reporter, and you refused to.

Mr. ARMSTRONG. We did not have——

Mr. DAVIS. That is your problem and not mine, because apparently all you were interested in doing is taking some notes so that afterwards you can tell the press and others there with a distorted version of what in fact takes place and I charge you specifically, sir, with that very purpose. And I think you've got a record showing that you make statements which are untrue to the press and others, and I intend to try to prove that at some date.

Mr. ARMSTRONG. Do you have any knowledge you would like to put on the record of that subject?

Mr. DAVIS. I have nothing to say to you in that connection at this time, sir.

Mr. ARMSTRONG. Do you have any allegations to make?

Mr. DAVIS. When I have some to make, you will be aware of them.

Mr. ARMSTRONG. Do you deny that you told us——

Mr. DAVIS. I am not going to answer any further questions in that area, sir.

Mr. ARMSTRONG. On what grounds?

Mr. DAVIS. On the grounds it's none of your business, on the grounds that you are acting illegally and improperly and you don't know what you are doing.

Mr. ARMSTRONG. Do you deny that you told us that Mr. Winte——

Mr. SILVERSTEIN. Wait a minute, wait a minute.

Mr. ARMSTRONG. Let me finish my question.

Mr. SILVERSTEIN. No, I will have to interrupt now. As a minority counsel I would like to say this. You are going into an area now aggravating the witness. It is reaching the point where it is getting close to harassment of the witness, and I respectfully request that you go to another area at this time and come back to this area when he cools off.

Mr. MUSE. With all due respect, Mr. Silverstein, I think the record speaks for itself and it will show that Mr. Armstrong has made no efforts to harass.

Mr. SILVERSTEIN. No, he hasn't, but I said it's reaching a point where it may be in that area, and it's not harassment. I will repeat for the record that Mr. Armstrong is not harassing the witness, but it may reach that area.

Mr. ARMSTRONG. Mr. Davis, have you had any conversations with Mr. Bennett regarding any contact he had with Mr. Hunt on the matter of the alleged plan to break into Mr. Greenspun's safe?

Mr. DAVIS. Not as you phrase the question, sir.

Mr. ARMSTRONG. Have you had any conversations with Mr. Bennett regarding the alleged plan to break into Mr. Greenspun's safe?

Mr. DAVIS. Not as you have phrased the question.

Mr. ARMSTRONG. Have you had any conversations with Mr. Bennett about Mr. Hunt's testimony before the Watergate committee?

Mr. DAVIS. Yes.

Mr. ARMSTRONG. Can you tell us what those are, sir?

Mr. DAVIS. I called Mr. Bennett and asked him what it was that Hunt referred to in the newspaper report, was it the Hunt that I met in his office, and he told me it was, and I asked him what he was doing about it and he told me he was terminating him, or had given notice that he was going to be terminated if he didn't do something or other, but that was the substance of the telephone conversation that I had with Mr. Bennett.

Mr. ARMSTRONG. And when did that occur, sir?

Mr. DAVIS. At about the time that the news broke that Mr. Hunt had been involved in breaking in at Watergate.

Mr. ARMSTRONG. Did you have any conversation with Mr. Bennett about any role Mr. Hunt may have played in the alleged plan to break into Mr. Greenspun's safe?

Mr. DAVIS. No, sir, I never had any conversations with Mr. Bennett with respect to any alleged plan to break into Mr. Greenspun's safe, or to break in anywhere.

Mr. FREEDMAN. Let me get this straight. As I understand it, Mr. Davis, after the break-in of the Watergate, there was a mention that a Mr. Hunt was involved, and it was at that point in time that you called Mr. Bennett. Is that correct?

Mr. DAVIS. That is correct.

Mr. FREEDMAN. OK.

Mr. ARMSTRONG. Did you ask Mr. Bennett on that occasion whether he had any prior knowledge of the break-in of the Watergate to the Democratic National Committee headquarters?

Mr. DAVIS. I don't believe I ever put that question to Mr. Bennett as such. All I remember is that when I read about Mr. Hunt's involvement in connection with the Watergate break-in I called Mr. Bennett and asked him if the Mr. Hunt that was referred to was the Mr. Hunt in his office that I had met there. He told me it was and I asked—I said, what are you doing about it or some conversation took place, and at the time he told me, as I recall it, either he had given notice that the man was through or something to that effect. But that to me, as I recall it, was the totality of the conversation I had with Mr. Bennett at that time.

Mr. ARMSTRONG. And did you ask Mr. Hunt—or did you ask Mr. Bennett if he had any knowledge, any personal knowledge of Mr. Hunt's activities in this area?

Mr. DAVIS. This area referring to the Watergate break-in?

Mr. ARMSTRONG. Yes, sir.

Mr. DAVIS. I had conversations with Mr. Bennett from time to time about the Watergate break-in and the stupidities involved in connection with it, but I never asked Mr. Bennett what he knew about the Watergate break-in; no, I don't recall being stupid enough to ask that kind of a question.

Mr. ARMSTRONG. Did you ever discuss with Mr. Bennett Mr. McCord's testimony before the Watergate committee?

Mr. DAVIS. No, I don't believe I ever discussed with Mr. Bennett Mr. McCord's testimony, although I could very well have asked Mr. Bennett if he had read what Mr. McCord had testified to, if Mr. McCord is the fellow who made some reference to the Greenspun safe. I probably had a conversation with Mr. Bennett about the actual testimony, but as a result of what was appearing in the press and conversations I had with Mr. Bennett with what was taking place in the press, I undoubtedly did, but I have no specific recollection of discussing Mr. McCord's testimony. I am not aware of Mr. McCord's testimony to begin with, in toto, I mean.

Mr. ARMSTRONG. Did you ever discuss with Mr. Bennett the allegation that he had had conversations with Mr. Hunt regarding a break-in to the premises of Mr. Herman Greenspun?

Mr. FREEDMAN. What allegations?

Mr. ARMSTRONG. Well, among others, allegations that Mr. McCord made.

Mr. FREEDMAN. Do you know what he's talking about, Mr. Davis?

Mr. DAVIS. I don't know what the question is now. Conversation with Mr. Bennett with respect to what?

Mr. ARMSTRONG. The allegation that he had discussed with Mr. Hunt a break-in to the premises——

Mr. DAVIS. Whose allegation? I don't know of any allegation, so that answer to your question is no.

Mr. ARMSTRONG. You're not aware of any allegations that Mr. Bennett discussed with Mr. Hunt a break-in to the offices of Mr. Greenspun.

Mr. FREEDMAN. You mean Mr. Bennett said that, that he had discussed——

Mr. ARMSTRONG. That isn't what I said.

Mr. FREEDMAN. That's the way it sounds.

Mr. DAVIS. So far as I know——

Mr. ARMSTRONG. I know, but that's not what I said.

Mr. DAVIS. I am not aware of that. I'm not aware of that.

Mr. ARMSTRONG. You want to misstate every question I state.

Mr. FREEDMAN. No. You said the allegations. I want to know who made the allegations, to help the witness.

Mr. DAVIS. I am not aware of any allegations that Mr. Bennett was involved in any plan for the break-in of Mr. Greenspun's safe.

Mr. ARMSTRONG. Did you ever discuss with Mr. Bennett any meeting that Mr. Winte may have had with Mr. Hunt in Mr. Bennett's office?

Mr. DAVIS. Yes, I believe I did have some conversation with Mr. Bennett in respect to Mr. Winte having met Mr. Hunt in Mr. Bennett's office.

Mr. ARMSTRONG. Can you tell us when that conversation occurred?

Mr. DAVIS. Not with a date or even an approximate date.

Mr. ARMSTRONG. Can you tell us what the substance of that conversation was?

Mr. DAVIS. Yes. Mr. Bennett told me that there was an occasion when Mr. Winte visited Mr. Bennett and that on that occasion, he introduced Mr. Winte and Mr. Hunt.

Mr. ARMSTRONG. And did he say what conversation if any transpired between Mr. Winte and Mr. Hunt?

Mr. DAVIS. I think he described the fact that they were talking to each other because Mr. Winte had been an FBI man and Mr. Hunt had been either FBI or CIA or something, but they had a conversation in his office with respect to their respective backgrounds. I believe that he gave me a description of that meeting.

Mr. ARMSTRONG. Well, can you tell us, did he describe—did Mr. Bennett indicate that he was aware of any contact between Mr. Hunt and Mr. Winte regarding a plan to break into Mr. Greenspun's safe?

Mr. DAVIS. No, I am not aware of Mr. Bennett being familiar or discussing with me any plan to break into Mr. Greenspun's safe.

Mr. ARMSTRONG. Did he discuss with you any conversations that Mr. Hunt and Mr. Winte might have had on that subject?

Mr. DAVIS. No, he did not describe to me any conversations between Mr. Winte and Mr. Hunt on that subject.

Mr. ARMSTRONG. Let me make sure I understand your testimony.

You are testifying that you had no conversations with Mr. Bennett regarding any planned break-in to Mr. Greenspun's safe. Is that correct?

Mr. DAVIS. I am not aware of any plan to break into Mr. Greenspun's safe, sir, other than what I have read in the newspapers or in testimony that someone gave, whether it be by McCord, Hunt, Liddy, or somebody else.

Mr. ARMSTRONG. Did Mr. Bennett indicate the subject of what Mr. Hunt and Mr. Winte discussed in his office?

Mr. DAVIS. I told you, he told me when I inquired of him, that he introduced Mr. Winte to Mr. Hunt. Mr. Winte had gone to see Mr. Bennett in connection with a matter that we were then looking into. I think it had something to do with the Clifford Irving matter, and that he introduced Mr. Winte to Mr. Hunt. I was introduced to Mr. Hunt by Mr. Bennett in Mr. Bennett's office, and the conversation he described at some point or other, Mr. Bennett told me that he recalled Mr. Winte talking to Mr. Hunt about their respective backgrounds.

Mr. ARMSTRONG. Well, did Mr. Bennett ever deny to you that he was present for any conversation between Winte and Hunt regarding a plan to break into Mr. Greenspun's safe?

Mr. DAVIS. No; Mr. Bennett did not deny anything to me that I know of.

Mr. ARMSTRONG. I would like to return to the subject of Mr. Winte which we left a few seconds ago.

Have you discussed with Mr. Winte whether or not he went to Mr. Gay. Mr. Winte went to Mr. Gay and discussed a plan which Mr. Hunt had presented to him to break into the premises of Herman Greenspun?

Mr. FREEDMAN. Now, look, Mr. Armstrong. You know we have an objection to Mr. Winte's testifying for the reasons set forth in Mr. Davis' letter, and I think it is highly improper to try to get that testimony under the circumstances through this witness in disguise, and I will suggest to the witness that he not answer.

Mr. ARMSTRONG. I'm trying to get Mr. Davis' testimony, not Mr. Winte's testimony.

Mr. FREEDMAN. I know, but you are trying to get Mr. Winte's testimony through Mr. Davis, because the way you asked the question was——

Mr. ARMSTRONG. No; I am trying to find out what Mr. Winte told Mr. Davis.

Mr. FREEDMAN. That's exactly the same thing.

Mr. DAVIS. I'm not going to tell you what Mr. Winte told me in connection with interviews I had with Mr. Winte in preparation to his testimony not only here but elsewhere, and I'm not going to violate my attorney-client privilege in that regard.

If you can refer to any conversations I had with Mr. Winte other than under those circumstances, I will be most happy to tell you what I know, what I can recall about any such conversations. And you keep referring in your questions to the participation of Mr. Winte in connection with a plan to break into Mr. Greenspun's safe, and with what I have told you about, I do not know of any conversation I had with Mr. Winte with respect to any such plans.

I do have information with respect to what Mr. Winte told me during the period when he described to me, and for the first time when I went into the question with Mr. Winte in the preparation of his testimony, not only with respect to these proceedings, but also in connection with other proceedings including proceedings before the Gaming Commission, and I can assure you that your characterization of what took place at that time is completely erroneous and is a figment of your imagination.

But nevertheless, I am not going to disclose to you ever what anyone whom I represent tells me in the course of those kinds of conversations. I have no objection to, and will, as I undoubtedly may have, not in the distorted way in which you like to present summaries of any other conversations I had that were not a part of conversations I had with someone I represent. And it is very difficult for me, obviously, to separate; the questions if you want to get any answers from me, will have to be phrased in such a way that they relate to conversations or meetings that I had unrelated to what I was told, even though what I was told does not indicate anything. But I am not going to discuss with you or anyone else—

Mr. ARMSTRONG. Now, in the case of this attorney-client privilege, is this a privilege between you and Mr. Winte you are referring to?

Mr. DAVIS. No, it is a privilege to the client that I am not going to violate.

Mr. ARMSTRONG. Is the client Mr. Winte?

Mr. DAVIS. Yes.

Mr. ARMSTRONG. Did Mr. Winte ask you to represent him as an attorney?

Mr. DAVIS. Yes.

Mr. ARMSTRONG. And this was an individual representation as opposed to his employee——

Mr. DAVIS. Well, I don't know as opposed to an employee. The reason I accepted responsibility is because he is an employee. I made my services available to him if he wanted them, and he said he did.

Mr. ARMSTRONG. Now, have you ever discussed with us previously these privileged communications between yourself and Mr. Winte?

Mr. DAVIS. So far as I know, I have never discussed with you privileged communications.

Mr. ARMSTRONG. Now, can you tell us what conversations you had with Mr. Winte that were not privileged that were on this subject?

Mr. DAVIS. Not until you ask me a question that will refresh my recollection about something. I can't go back and think of all the conversations I had with Mr. Winte which are not privileged. It is an impossible task insofar as I am concerned.

Mr. ARMSTRONG. In other words, Mr. Davis, if I can tell you what you are going to tell us, you are going to tell us that.

Mr. DAVIS. No. If you were someone who were skilled in the process, you would know how to ask a question.

Mr. ARMSTRONG. Can you tell us if you have had any conversations with Mr. Winte that were not privileged that were on the subject——

Mr. DAVIS. I am sure I have had many conversations with Mr. Winte which were not privileged.

Mr. FREEDMAN. He added, and I don't think you heard him, on this subject.

Mr. DAVIS. I don't know what subject he's talking about. If he's talking about the subject, the plan to break in or commit any other unlawful act, the answer is no.

Mr. ARMSTRONG. When did you begin to represent Mr. Winte in regard to this matter, Mr. Davis?

Mr. DAVIS. Whenever he asked me to do it.

Mr. ARMSTRONG. Can you tell us when that was?

Mr. DAVIS. I believe that may have been at a time when it was contemplated that he might have to testify before the Gaming Commission in Nevada, but I would have to—I believe that probably was about, at about that time, but I have difficulty in placing these particular events in proper sequence. I know that I was not involved and saw no necessity to represent him at the time that he was interviewed by the FBI, and likewise at the time when you gentlemen interviewed him, whatever it was that you did. So you give me those dates, and I can tell you it was subsequent to those dates.

Mr. ARMSTRONG. I believe we interviewed Mr. Winte in late August of 1973. I don't know when he appeared before the Gaming Commission.

Mr. DAVIS. Well, I don't know what those dates are, but so far as I was concerned at that time, I had no—there was no need, so far as I was concerned, and the only reason that a need arose subsequently is because I think that any person who is required to testify as a witness involving these kinds of matters and the distortions of which you gentlemen are capable of, he needed counsel.

Now, I recognize the need for counsel, or his feeling for a need for counsel, but I saw no reason whatsoever based upon everything I knew at the time, whatever conversation I had with anybody at that time, I had no problem in telling Mr. Winte that so far as I was concerned at that time that he did not need counsel in order to talk to you gentlemen as he did, or to talk to the FBI, as he did, and to tell them whatever the hell he knew about the transaction or whatever took place, and so far as I know, he did.

And I don't recall particularly his telling me the details of whatever it is that he discussed with you or with the FBI. I wasn't that

curious. I'm a busy man. So it is quite possible I had conversations with Mr. Winte in a connection other than the period when he asked me if I would be available to him when he found himself the target of the nonsense that has been going on. And that is why I keep saying to you, if you will show me or if you were in a position to show me that which I claim—I told you at the time that you interviewed me, would be in a position of explaining to you what I was talking about at that time, and if you would ask the same questions that were then being asked, I would probably give you substantially the same answers, because the facts insofar as I am concerned did not change.

Mr. ARMSTRONG. Well, I've already read you the section, Mr. Davis.

Mr. DAVIS. What you read to me is nonsense.

Mr. ARMSTRONG. Well, it purports to accurately deflect your answers.

Mr. DAVIS. Well, what it purports to be or what you make of it, I won't characterize, but you got my answers.

Mr. ARMSTRONG. Now, can you tell us if at the time when Mr. Winte talked to you to determine whether or not he felt he needed counsel, if he described to you the events that had taken place in——

Mr. DAVIS. I don't like the way you were saying he felt he needed counsel.

Mr. ARMSTRONG. No, I say you felt.

Mr. DAVIS. No, it wasn't my feeling. I just recognize the need of a witness like any individual citizen to have his rights protected when you people want to invade those rights.

Mr. ARMSTRONG. I am not making any comments.

Mr. DAVIS. I am making the comment, then.

Mr. ARMSTRONG. My question is, At the time when you consulted the—excuse me, when Mr. Winte talked with you——

Mr. DAVIS. He discussed with me, yes.

Mr. ARMSTRONG [continuing]. In the case of his pending interviews before us whether he needed counsel, did he describe to you the events of this meeting with Mr. Hunt?

Mr. DAVIS. No, he did not. He just told me that he'd been approached by you gentlemen, and I told him to tell you whatever he knew about whatever it was you were inquiring into.

Mr. ARMSTRONG. Did he say what we wanted to talk to him about?

Mr. DAVIS. No, I don't believe he knew what you wanted to talk to him about. That was before you saw him.

Mr. ARMSTRONG. And he gave no indication he felt he knew what we wanted to talk about?

Mr. DAVIS. No. My recollection is he called me on one occasion to tell me that the FBI had contacted him and wanted to interview him and whether I thought it was necessary or desirable. I suppose he was asking me because I represent the company, to have counsel present during the interview, and I said I saw no need or reason for it. I remember another reason when he told me that he had been contacted by some individuals purporting to represent the Senate Watergate Committee that wanted to interview him, and as I recall, I told him the same thing. I don't now remember which came first, actually.

I have a recollection of having a conversation with Mr. Winte after both of those occasions, asking him how it went. He said it went fine.

He said, they asked me questions, I told them what had happened, they seemed to be satisfied; and I said fine.

That is my recollection substantially of what happened.

Mr. ARMSTRONG. Did Mr. Winte tell you that he had informed this committee that after talking with Mr. Hunt, he had gone and told Mr. Gay what Mr. Hunt had told him?

Mr. DAVIS. I don't recall it in that context. Mr. Winte might very well have told me at that point in time, some aspect or a summary of what it is that had been covered during those interviews, quite possibly, that took place. I just don't remember the details of that. And I am trying at this point to separate what took place at that time versus what it is, because I go into things much differently when I function as counsel interested in a matter in connection with details. I am a detail man, sir, I try to get the facts as accurately as possible, a virtue which I highly commend to you.

Mr. ARMSTRONG. Is there any reason why in your discussion with us on October 10, 1973, you did not assert attorney-client privilege?

Mr. DAVIS. Because your questions did not ask me to violate attorney-client privilege at that time, I am sure.

But I am not sure that you understood the answer to your question or you understood the questions you were putting to me.

Mr. ARMSTRONG. Well, let me finish my question.

Is there any reason why in our conversation on October 10, 1973, you chose not to assert the attorney-client privilege when we asked you about your conversations with Mr. Winte on the matter of the alleged plan to break into Mr. Greenspun's safe?

Mr. DAVIS. I don't know what you're talking about.

Mr. FREEDMAN. May I say, Mr. Armstrong, we have gone into this at great length. It is now 10 minutes after 6. I don't know how much longer you are going to go. You know Mr. Davis is not available tomorrow or Friday. Next week he has other things that must be done.

You told us an hour and a half ago that you would be finished very, very shortly thereafter, and here we are going into repetitious things. We are going into an area which I think is improper. So can't we please finish up because Mr. Davis tells me—if Mr. Davis tells me he is getting tired, we are just going to have to leave.

Mr. LACKRITZ. I understand that Mr. Davis is getting tired, Mr. Freedman, and I think the record will show your representation to that effect.

Mr. ARMSTRONG. Mr. Davis, have you received any information regarding any attempt by or through the Federal Reserve Board to check the dates of issuance or dates of distribution of the $100 bills that Mr. Rebozo returned to you in June of 1973?

Mr. DAVIS. What was the question?

[The reporter read the last question.]

Mr. DAVIS. Well, to make it simple, I don't understand your question.

Mr. ARMSTRONG. Well, have you made any attempt to check the dates of distribution of any of the bills that Mr. Rebozo returned to you?

Mr. DAVIS. Have I made any attempt? As I told you before, I have conducted an investigation with respect to the facts and circumstances relating to those bills in connection with my efforts to obtain an

adequate accounting from Mr. Maheu, and I do not intend to discuss that matter with you.

Mr. ARMSTRONG. Do you have any knowledge as to whether any of those bills were issued subsequent to a date that Mr. Rebozo alleged to have received them?

Mr. DAVIS. I have no knowledge of those bills other than which I obtained in connection with that investigation I just referred to.

Mr. ARMSTRONG. You have received no information regarding any other investigation as to the dates of issuance or distribution of those bills, is that correct, any investigation other than those which you have conducted?

Mr. DAVIS. Or that was conducted at my request.

Mr. ARMSTRONG. Is that correct, no other investigations beyond those?

Mr. DAVIS. Not that I know of.

Mr. ARMSTRONG. And have you ever advised Mr. Kenneth Gemmill as to the results of your investigation as to the dates of issuance or distribution of those bills?

Mr. DAVIS. Not that I know of. I think there was a conversation between me and Mr. Gemmill about how to go about or what facts were relevant to something, and I think I had some conversation with him because it was as a result of the conversation that I had with Mr. Gemmill that made me conclude that perhaps I had an area of investigation that might be useful for my purposes. But I don't recall, I am sure I never had any conversation with Mr.—I never reported to Mr. Gemmill the results of any of the investigative activities which were conducted by me or by persons conducting such investigation.

I may have had a conversation with Mr. Gemmill indicating that here is someone else who might be trying to get the same information that we're trying to, but that is the only recollection I have in response to your question. Your question was difficult to understand.

Mr. ARMSTRONG. Did you ever advise Mr. Gemmill that when you completed the investigation you would apprise him of the results?

Mr. DAVIS. I don't understand your question now.

Mr. ARMSTRONG. Did you ever tell Mr. Gemmill that when the investigation was over you would tell him what your investigation revealed?

Mr. LACKRITZ. Your own investigation.

Mr. DAVIS. I don't believe so unless I was referring to after whatever litigation I was involved in was over with, but I don't recall that subject coming up in that context.

Mr. ARMSTRONG. Did Mr. Gemmill ever advise you to advise him?

Mr. DAVIS. Not that I recall.

Mr. ARMSTRONG. What the results of the investigation were?

Mr. DAVIS. Not that I recall.

Mr. LACKRITZ. All right, so that we have a clear record on this subject, Mr. Davis, do you have any knowledge if the two $50,000 contributions delivered by Mr. Danner to Mr. Rebozo had any relation to the pending acquisition of the Dunes Hotel by the Hughes Tool Co.?

Mr. DAVIS. Any connection between the two?

Mr. LACKRITZ. Any relationship between the contribution and approval from the Justice Department?

Mr. DAVIS. None whatever.

Mr. LACKRITZ. For that acquisition. OK. Do you have any knowledge that the two $50,000 contributions delivered by Mr. Danner to Mr. Rebozo had any relationship with the purchase by the Hughes Tool Co. of Air West?

Mr. DAVIS. None whatever.

Mr. LACKRITZ. Or did it have any relationship to Government approval of that acquisition?

Mr. DAVIS. None whatever.

Mr. LACKRITZ. All right. To your knowledge did the two $50,000 contributions delivered by Mr. Danner to Mr. Rebozo have any relationship to Mr. Hughes' desire to have nerve gas dumped in the Atlantic Ocean?

Mr. DAVIS. None whatever.

Mr. LACKRITZ. Finally, to your knowledge, did the two $50,000 contributions delivered by Mr. Danner to Mr. Rebozo have any relationship to the desire, to any position Mr. Hughes took on the antiballastic missile system?

Mr. DAVIS. None whatever.

Mr. ARMSTRONG. Can you tell us when the last time you spoke with Mr. Golden was—Mr. James Golden?

Mr. DAVIS. I can't place a date on it. I recall hearing from Mr. Golden at or about the time that he said that he was in the process of opening or had opened some offices here in Washington. I think that was the last conversation I had with Mr. Golden.

Now, he might have called my office sometime to say that he was coming to New York and could he see me. If such telephone conversations took place, I don't remember or when I saw him.

Mr. ARMSTRONG. Have you ever had any discussion with Mr. Golden regarding the contribution by Mr. Hughes of $100,000 to Mr. Rebozo?

Mr. DAVIS. No, I don't believe so. I think one of those, either at the time he called me to tell me what he was doing there, he made some reference to some of the nonsense that was appearing in the press.

That could have taken place. I have no recollection of it one way or the other. But so many people talk to me about something they read in the newspapers which is so far from what the true facts are that it is not unusual for me to have had a conversation in that context. But I never had any conversation with Mr. Golden with respect to what the true facts were of what took place.

Mr. ARMSTRONG. Did you ever have any conversation with Mr. Golden about contact he had had with Rose Mary Woods?

Mr. FREEDMAN. "If" it happened. You've got a fact in there that isn't necessarily so.

Mr. DAVIS. I don't believe so. My difficulty—and I'm sure it did not involve Mr. Golden. As I told you before, there was a point in time when I was pursuing my investigation of all moneys that passed through Mr. Maheu's hands, but I have no recollection of any conversation with Mr. Golden about Rose Mary Woods.

Mr. ARMSTRONG. Now, to your knowledge has the Intertel organization ever investigated the relationship——

Mr. DAVIS. Except that Mr. Golden may have indicated to me that he knew her at the time he was acting as a Secret Service agent. I mean, he may very well have told me on one occasion or another that he knew

her. I don't know. I don't know that he does, but I believe that he may have told me that at one time.

Mr. ARMSTRONG. To your knowledge, has the Intertel organization ever conducted an investigation into the relationship between Mr. O'Brien and Mr. Maheu?

Mr. DAVIS. So far as I am concerned, the only thing I know about Intertel and its activities are activities under my direction with respect to gathering facts germane to issues involving litigation, and—well, that's the correct answer.

And if it will help you any, insofar as I am concerned, there doesn't remain any question in my mind about payments made to and received by Mr. O'Brien. So if you put two and two together, you may find an answer to your questions.

Mr. ARMSTRONG. You are unable to answer the question as a result of your——

Mr. DAVIS. I am not going to discuss with you what we did or did not do in connection with the investigative activities I conducted. I am telling you that so far as I am concerned, I have never had occasion to inquire or investigate payments made by the Hughes Tool Co. to Mr. O'Brien via Mr. Maheu or otherwise.

Mr. ARMSTRONG. Have you had occasion to investigate any other aspect of Mr. O'Brien's relationship with Mr. Maheu?

Mr. FREEDMAN. Didn't we go through this—Mr. Maheu—we went through this how many times? Now, I think it's an imposition on the witness, up and back, up and back.

Mr. DAVIS. Well, I don't know what you are referring to. I believe I received or participated in responding to inquiries from IRS with respect to payments made to Mr. O'Brien because that's the only thing I can think of that relates to your question.

Mr. LACKRITZ. All right. Mr. Davis, in my letter to you of May 31, 1974, I requested if you could locate the check, check No. 9109, Sands general account, at the Bank of Las Vegas, now the Valley Bank, University Branch, payable to the Sands and signed by Mr. Lawrence Ryhlick or Mr. John Ianni, dated on or about December 4, 1968, as well as a copy of a disbursal slip from the Sands Casino cage dated December 5, 1968, showing that Ryhlick and Ianni received the cash.

We requested copies of both of these items, and in respect to the second item, the original slip and any other file copies. I am just asking if you brought those with you today for production?

Mr. DAVIS. No; I was informed that such a letter of request was sent to my office. I made some inquiries about it and I am told that apparently you are also interested in what is going on in the Maheu litigation where those questions have been raised, and whatever documents you are referring to were involved in the Maheu litigation and that is where they are, whatever it is, and I don't know that what you are referring to exists.

And I see that Mr. Muse is in the room and I think the record should so reflect, and if you want to make some reports to the court in connection with the Maheu litigation, in respect to my testimony in that regard, I will include that in connection with the other activities, Mr. Muse.

Mr. MUSE. I will be happy to do so after Mr. Lackritz is finished.

Mr. LACKRITZ. Mr. Davis, I appreciate your efforts to include Mr. Muse in this matter, but I think we can do that a little bit later. So as I understand it, you have not brought with you today those two items.

Mr. DAVIS. No; I do not have those items. I don't know if those items exist. I told you exactly what I did when I was told that there was such a request, and my information at the moment, which may not be complete, is that you are apparently referring to some transaction involving some moneys paid to Mr. Maheu or delivered to Mr. Maheu, and that is all part of what is going on in the litigation in the Federal courts in California, and I don't know what it is that interests you about the private litigation that is going on in California.

Mr. LACKRITZ. Mr. Davis, this has absolutely nothing to do with anything that we are trying to do with respect to private litigation. All we are asking you for are two specific documents that are outlined very specifically.

Mr. DAVIS. Well, the answer is I don't have them.

Mr. LACKRITZ. All right, then.

Mr. DAVIS. If they exist.

Mr. LACKRITZ. Have you made a search for the alleged——

Mr. DAVIS. I told you exactly what I did.

Mr. LACKRITZ. Well, who did you contact to determine if they existed?

Mr. DAVIS. I don't remember who it is that it was in my organization that I called to follow up on what that was all about.

Mr. LACKRITZ. Mr. Robert Morgan?

Mr. DAVIS. No; I did not talk to Mr. Morgan.

Mr. LACKRITZ. Was it someone in the accounting office?

Mr. DAVIS. No, no; it was a lawyer familiar with what was involved in the Maheu litigation, and what had been produced and what had been put into evidence in regard to the litigation, or who was supposed to be familiar with it.

But I immediately recognized it as an item involved in the Maheu litigation. There was no point in my going through anybody else.

Mr. LACKRITZ. So are you saying that you still have custody of it but it's——

Mr. DAVIS. I told you I don't have custody of it. I told you that I don't know if any of that exists, but I told you to the extent to which that exists, it is part of whatever has been filed that was involved in the Maheu litigation, and I haven't had an opportunity to pursue it any further.

Mr. LACKRITZ. So you are refusing then to pursue the matter any further at this time.

Mr. DAVIS. Yes; I don't have any more information to give you at this time, if you are entitled to any of it.

Mr. LACKRITZ. All right, and similarly with the disbursal slip from the Sands dated December 5, 1968, you do not have that.

Mr. DAVIS. I don't have any information with respect to that. My understanding is that the transaction you are referring to with respect to the documents you identified there, as I understand it, is involved in the Maheu litigation, and those documents, I believe what they have

been doing down there is to actually put into evidence the originals, and by originals, whether it be originals or carbon copies. And that is all I know about it at this point in time.

Mr. LACKRITZ. All right. Well, possibly we will pursue——

Mr. DAVIS. If you would explain to me the relevancy of that to anything which is germane to any legitimate inquiry pursuant to your enabling resolution, I may be more helpful. At the moment that is the only thing I can tell you.

Mr. LACKRITZ. Well, if you would like for me to go into a long discourse of how this is relevant, I would be more than happy to.

Mr. SILVERSTEIN. Excuse me, Marc. Can we go off the record for a minute?

Mr. LACKRITZ. All right, sure.

[Discussion off the record.]

Mr. LACKRITZ. Mr. Davis, are you acquainted with Mr. John Mitchell, formerly the Attorney General of the United States?

Mr. DAVIS. I have met him.

Mr. LACKRITZ. When was your last conversation with Mr. Mitchell?

Mr. DAVIS. I believe—well, I described in my meeting with Mr. Mitchell—may or may not have been in these proceedings. I met Mr. Mitchell at a time when we were involved in the terms of a suggested consent decree that was being urged by the Justice Department relating to the employmentof blacks or nonwhites in hotels and casinos in Nevada, and I was concerned as to the legality of the terms that were being insisted upon by whoever it is that was representing the Justice Department, and felt that I could not as a lawyer opine that that was a lawful, proper agreement to enter into. In fact, I felt it specifically violated the statute, and I took the position that before we could consider the proposed agreement and consent decree, I wished to have an opinion of the Justice Department that the terms were lawful.

I was told that the representative of the Justice Department handling the matter had no authority to give such an opinion, and arrangements were made to call on the Attorney General who was then Mr. Mitchell, and there was a meeting held in his office attended by Mr. Hilton and his counsel, myself, I believe Mr. Gay, and possibly some others, at which that matter was discussed.

Mr. LACKRITZ. Was there any discussion at that time of any matters relating to the campaign of 1972?

Mr. DAVIS. None whatsoever.

Mr. LACKRITZ. Have you met with Mr. Mitchell subsequent——

Mr. DAVIS. No.

Mr. LACKRITZ [continuing]. Subsequent to that meeting? Have you met with Mr. Mitchell on any other occasions prior to that meeting?

Mr. DAVIS. Not that I recall.

Mr. LACKRITZ. And have you had any telephone conversations with Mr. Mitchell?

Mr. DAVIS. No.

Mr. LACKRITZ. At any time since January 1, 1969?

Mr. DAVIS. No.

Mr. LACKRITZ. All right, now, Mr. Davis, at your suggestion I would like Mr. Muse, since he is in the room, on the record to explain the allegations that were made earlier in the session and to describe the facts of the situation and what Mr. Muse did. Mr. Muse, if you could explain for the record.

Mr. MUSE. After being informed by Mr. Lackritz that information I transmitted on behalf of the committee to Judge Harry Pregerson, the presiding judge of the Hughes-Maheu litigation in Los Angeles, had engendered some controversy here this morning, I attempted to reconstruct the events surrounding the decision of the committee to release this information.

In late March or early April, Richard Johnson, Judge Pregerson's administrative clerk, called me and asked if certain information gathered by the staff could be made available to the court. Specifically, the court wanted any information the committee had that related to the alleged Hughes-Humphrey contribution in 1968. Mr. Johnson explained that it had become apparent that Mr. Maheu had been interviewed by the staff on the few occasions. He further explained that Mr. Morton Gallane, Mr. Maheu's attorney, had asked the court to request whatever information the committee had.

Thereafter, Mr. Johnson called me and asked whether such information could be provided. I explained that before such information could be released, there would, pursuant to rule 40 of the rules of procedure of this committee, have to be a release from the committee, that the staff had no authority to do so, and that I would bring the matter to Chief Counsel Dash's attention.

For a while thereafter nothing further occurred because there was no executive session of the Select Committee at the time no request was made. Sometime later, I believe, toward the middle of April, the issue was revived when, according to Mr. Johnson, counsel for Summa Corp. caused to be issued by the clerk of the U.S. district court in Los Angeles, subpenas calling for any and all information relative to the alleged Hughes-to-Humphrey contribution.

These subpenas were served on the Internal Revenue Service, the Securities and Exchange Commission, the Justice Department strike force, the U.S. attorney in Los Angeles, and the Senate Watergate Committee.

Service on the Watergate Committee was attempted by delivering the subpenas to the U.S. Attorney's Office in Los Angeles. According to Mr. Johnson in a telephone call a short time ago today, this caused renewed interest on the part of the judge in gathering information from this committee inasmuch as both sides, and I stress both sides, had requested it, that Mr. Johnson—the judge again instructed Mr. Johnson to again seek the information from the Select Committee.

I had discussions with Mr. Johnson and agreed to bring it to Mr. Dash's attention. This was done and Mr. Dash told me he could not authorize the release and the full committee would have to consider the request.

At the first opportunity after the request on May 9, 1974, this was considered and granted. I then attempted to gather all information we

had gathered which bore on the 1968 event. I checked with staff members and concluded that two pieces of information, both products of Robert Maheu interviews, were the sum of the staff's information about the Hughes to Humphrey contribution. Accordingly, I transmitted those documents to the court where I understand they were made available to the parties by the judge.

Since that time I have had occasional telephone conversations with Mr. Johnson seeking public court documents relative to committee matters. As his request for information was continuous in nature, he would make reference to the judge's earlier request.

Last week I had occasion to examine Mr. Davis' staff interview of October 10, 1973, and I for the first time came across a brief paragraph making reference to the Hughes to Humphrey contribution. I then told Mr. Johnson further information would be available, and after checking with Sam Dash this morning, I asked—I called Mr. Johnson and read the paragraph to him.

Mr. Johnson told me at the time the matter would be treated confidentially, and I understand that it has, having been released thus far only to counsel and at the request of Summa counsel, placed under seal.

Since drafting this statement, I have called Mr. Johnson and read it to him, and he authorizes me to say that he endorses it in full.

Mr. LACKRITZ. Which means, just to make sure I understand what you have said, in other words, you were acting at all times pursuant to the authorization of the committee.

Mr. MUSE. That is correct.

Mr. DAVIS. That is what you think you were doing. And will you state on the record whether or not in fact what you did transmit was not testimony given by me, but a memorandum by Mr. Armstrong and his construction, however inaccurate it might be, of Mr. Armstrong's internal memorandum describing my testimony?

Mr. MUSE. I think my statement has been full and accurate, and I have no further comment.

Mr. DAVIS. Well, it's your statement. Are you finished, sir?

Mr. LACKRITZ. Yes, we have finished with respect to your testimony, but I would like to say on the record, Mr. Davis, if we could with your permission, I have been given this letter in response to your letter yesterday, from Chairman Ervin, in response to your request to have Mr. Winte's testimony in public session, and as a result I would like to give you that letter and have it made an exhibit to today's session, and I will provide a copy of the letter after the session.

[Whereupon, the document referred to was marked Chester Davis exhibit No. 1, for identification.*]

Mr. DAVIS. You mean you are handing me a letter in a sealed envelope, and you are asking me to make it an exhibit.

Mr. LACKRITZ. No. I am informing you it is a response from Senator Ervin to your letter of yesterday, June 11, 1974, that I just received from Senator Ervin, and I am delivering it to you here now because it relates to the request for testimony by Mr. Ralph Winte, since Mr.

*See p. 11619.

Winte was the other individual that we discussed taking testimony from in our discussion on May 28. I thought it would be important to have that matter on the record on this occasion.

Mr. DAVIS. But you're delivering me a response.

Mr. LACKRITZ. I am delivering the response to you and I would request that a copy of that response be made a part of this record, only after you have read the response, Mr. Davis.

So I would be perfectly willing to go off the record right now, give you a chance to read it, and I would like to make some—let us go off the record right now.

[Discussion off the record]

Mr. DAVIS. The only think I would like to say on the record is, I would like the record to reflect that prior to the commencement of this session I was approached by Mr. Hamilton, who, as I understand it, has been acting as counsel for the committee in connection with the judicial proceedings which are now pending, particularly the appeal that is now pending before the court of appeals, and he in effect said he didn't see any particular reason for filing a brief in response to our brief because in his view he thought that the whole subject might become moot before, or by the time that the court of appeals could consider our pending appeal.

I explained to Mr. Hamilton that in my view the matter was not moot, and I suggested to him the possible desirability of cooperating with a schedule which would expedite the filing of a brief with the court of appeals representing the views of the committee as to the legality of their proceedings, and to join in a request to the court of appeals to give the matter an expedited hearing before any termination date, if there is a termination date with respect to the desires of the committee or its staff to interview Mr. Winte.

My understanding is that Mr. Hamilton's answer to me was not only to reject that suggestion but to indicate that he contemplated filing a motion with the court of appeals for the purpose of obtaining an extension of time within which to file briefs with the court of appeals. This indicates to me an effort to thwart obtaining a judicial determination of the position which I have taken, and I would like to renew that suggestion to you, Mr. Lackritz, as a reasonably fair effort to obtain a judicial determination as to the rights of Mr. Winte before he is required to testify under the coercion of some kind of punitive action by the Senate committee.

I would appreciate that having my request adequately considered by whoever considers this kind of request, and urge upon the staff as well as the committee to make an effort to cooperate and obtain a fair judicial determination, unless of course there is a policy decision to avoid a possible judicial determination as to the propriety and legality of the manner in which these proceedings have been conducted.

As the record reveals, I have commitments in New York tomorrow and Friday, but I will be available to receive any communication you are in a position to give me at that time as to any decision which the committee reaches with respect to that request.

I think it only fair to say that there is another alternative to me which requires a decision on my part which I would hope to delay as

long as possible, and that is the necessity of bringing another and separate action, this time for damages since I know I will not be able to get injunctive relief, that would be sufficient to give my clients the relief that I believe they are entitled to.

I may state in fairness to all concerned that I do not intend to let the matter become moot.

Mr. LACKRITZ. I think you've made your feelings very clear, Mr. Davis. I think I should also make clear that Senator Ervin's response to you says, and I quote, "Since Mr. Winte remains under subpena to the committee, I direct him to testify as soon as possible pursuant to your agreement with Mr. Lackritz so that the committee can complete its work expeditiously."

Now, you and I agreed that Mr. Winte testify today—on May 28. You made a request based on Mr. Greenspun's appearance on a television show, that Mr. Winte's testimony be given in a public hearing. You applied to have a court enjoin further executive sessions of this committee pending a judicial determination of your position, and that request was denied by the district court and also by the court of appeals, as I understand it. The substance of the case has moved up and now it is under consideration by the court of appeals, and there is no reason, as I can see it, as far as I can see it, for not going forward with Mr. Winte's testimony tonight if possible, and with other counsel if it is not possible for you to be present.

Mr. DAVIS. Well, there is no reason in the world so far as I am concerned why it would now be possible to submit the matter by having the committee submit its brief in response to our brief before the court of appeals, and asking the court of appeals to render a determination on the merits.

I do understand, in fact, that the court of appeals has not seen fit to enjoin anything pending its consideration of the appeal on its merits, and I see no reason why we cannot give Mr. White an opportunity to have the court of appeals make a decision on the merits. We believe we have a meritorious appeal. We believe that our position is legally sound. And we believe that we will prevail on the merits, and Mr. Winte will not be available this evening, neither will I.

Mr. LACKRITZ. Well, will Mr. Winte be available tomorrow?

Mr. DAVIS. No, Mr. Winte will not be available tomorrow. So, as I say, if you are in the position of now turning down without further consultation the suggestion which I am making which would permit hopefully a determination of the legal questions involved by the court of appeals, and still give you an opportunity to examine Mr. Winte if you should prevail on the merits, I will take that as your decision, or the decision of the Committee, if you tell me that you are in the position to make a decision perhaps by the committee, and I will proceed accordingly, and will consider what steps I may take to adequately protect Mr. Winte's rights.

Mr. LACKRITZ. Well, certainly, Mr. Davis, this matter has been brought up before to the committee. Chairman's response to your request is now a matter of record, and I take it your response to me at this point is that you are not going to make Mr. Winte available. Is that right?

Mr. Davis. Certainly not tonight, that is correct. My response to you is to give me an answer to the suggestion I have just made, unless you want me to take your statement as the answer.

If that is what it is, then I will proceed accordingly. I will take some action, and I am not in a position to tell you what action I will take at this point in time.

Mr. Lackritz. You have always been a magician at concealing your cards, Mr. Davis. I only point out that I think Chairman Ervin's letter is explanatory on the face of it. You made your request of Chairman Ervin, and you received his refusal to accede to your request, and so I think the record is very clear that you are not going to produce Mr. Winte tonight, nor are you going to produce Mr. Winte tomorrow for testimony.

Mr. Davis. That is correct. But I don't know what I will take if, as a result of this letter that you handed me 5 minutes ago. The only thing I am asking you to tell me at this point is, is whether or not you are rejecting the suggestion which I have made with respect to the possibility of obtaining a determination of the court of appeals of the merits before Mr. Winte testifies in proceedings which I consider to be highly improper, if not illegal.

Mr. Lackritz. All I am pointing out to you, Mr. Davis, is——

Mr. Davis. Let me have an answer. Do you want to consider my suggestion or not?

Mr. Lackritz. The chairman has directed you and Mr. Winte to testify before the committee pursuant to subpena.

Mr. Davis. I am quite capable of reading the letter and I will let you know promptly.

Mr. Lackritz. The letter speaks for itself.

Mr. Davis. And I will let you know promptly what I am going to do in response to that letter.

Mr. Lackritz. And at the present time you are not ready to make Mr. Winte available. I think that's clear for the record.

Mr. Davis. He's certainly not going to be available tonight, and as far as I can tell you now, I don't believe he will be available tomorrow. I don't have any intention right now to make him available tomorrow, but you will hear from me further in response to that letter from Senator Ervin.

And one of the things I would like to have, of course, is—I imagine I will have it as soon as possible—is a transcript of the proceedings that we had yesterday and today.

Mr. Lackritz. I would like to direct that Mr. Winte appear tomorrow at 10 a.m. for testimony before the Select Committee, pursuant to Senator Ervin's letter of June 12, 1974, which is presently marked as an exhibit.

Mr. Davis. Thank you.

[Whereupon, at 6:45 p.m., the hearing in the above-entitled matter adjourned.]

CHESTER DAVIS EXHIBIT NO. 1

SAM J. ERVIN, JR., N.C., CHAIRMAN
HOWARD H. BAKER, JR., TENN. VICE CHAIRMAN
HERMAN E. TALMADGE, GA. EDWARD J. GURNEY, FLA.
DANIEL K. INOUYE, HAWAII LOWELL P. WEICKER, JR., CONN.
JOSEPH M. MONTOYA, N. MEX.

SAMUEL DASH
CHIEF COUNSEL AND STAFF DIRECTOR
FRED D. THOMPSON
MINORITY COUNSEL
RUFUS L. EDMISTEN
DEPUTY COUNSEL

United States Senate

SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
(PURSUANT TO S. RES. 60, 93D CONGRESS)
WASHINGTON, D.C. 20510

June 12, 1974

Chester C. Davis
One State Street Plaza
New York, New York 10004

Dear Mr. Davis:

I have received your letter of June 11, 1974, and have noted your request that the testimony of Mr. Ralph Winte be given at a public hearing.

You have already been heard by the Committee on your request to have the testimony of your clients, including Mr. Ralph Winte, heard in public sessions. Your request was denied by the Committee because of a number of factors, including but not limited to the Resolution passed by the Committee on November 29, 1973, and attached hereto.

In addition, as you noted in your letter, you have taken this matter into the federal courts where you are awaiting a judicial determination of the very issue you raise in your letter by the United States Court of Appeals for the District of Columbia. Both the United States District Court for the District of Columbia and the United States Court of Appeals for the District of Columbia have refused to enjoin the Select Committee from having further executive sessions pending the disposition of your case.

Therefore, since the Committee has already ruled on the issue you raise and since the matter is now pending in the federal courts, no further purpose would be served at this time by another hearing before the full Committee on the same issue. Since Mr. Winte remains under subpoena to the Committee, I direct him to testify as soon as possible pursuant to your agreement with Mr. Lackritz so that the Committee can complete its work expeditiously.

Sincerely,

Sam J. Ervin, Jr.

Sam J. Ervin, Jr.
United States Senate

Enclosure
SJE/mcr

FRIDAY, JUNE 14, 1974

U.S. SENATE,
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES,
Washington, D.C.

The staff met, pursuant to notice, at 12:30 p.m., at the offices of Hunten, Williams, Gay & Gibson, 1730 Pennsylvania Avenue NW.

Present: Scott Armstrong, investigator; Richard L. Schultz, assistant minority counsel; and Mary DeOreo, investigator.

Mr. ARMSTRONG. This is an interview with Mr. Johnnie Walters, former Commissioner of the Internal Revenue Service.

Mr. Walters, could you tell us when you were first employed by the Internal Revenue Service?

INTERVIEW OF JOHNNIE M. WALTERS, ACCOMPANIED BY STEPHEN SACHS, COUNSEL

Mr. WALTERS. I was first employed by IRS in January 1949. I stayed until October 1953.

Mr. ARMSTRONG. In what capacity did you serve?

Mr. WALTERS. I was a lawyer in the L. & R. Division of the Chief Counsel's office.

Mr. ARMSTRONG. L. & R.?

Mr. WALTERS. Legislation and Regulations Division.

Mr. ARMSTRONG. At that time, were you acquainted with Mr. Kenneth Gemmill?

Mr. WALTERS. Yes. I believe at that time he was in the Treasury Department.

Mr. ARMSTRONG. Do you know in what capacity he served in the Treasury Department at that time?

Mr. WALTERS. I think he was tax legislative counsel, although I am not sure of his title, and I am not sure that he was still there. But I have known him since the early 1950's.

Mr. ARMSTRONG. Professionally?

Mr. WALTERS. Professionally only.

Mr. ARMSTRONG. When did you next serve with the Federal Government?

Mr. WALTERS. I came back to the Federal Government in January 1969, to be Assistant Attorney General in charge of the Tax Division of the Department of Justice. I remained in that job until August 5, 1971. On August 6, 1971, I became Commissioner of Internal Revenue, and I held that job through April 30, 1973.

Mr. ARMSTRONG. Since that time, you have been in private practice?

Mr. WALTERS. That is right.

Mr. ARMSTRONG. Can you tell us how you were first recruited for your position as Assistant Attorney General of the Tax Division?

Mr. WALTERS. Yes. The first notice that I had of consideration for that post was a telephone call that I received in early January 1969, informing me that I was being considered, along with two other people, to head up that Division. And I was asked if I would be interested.

That telephone call came from John Alexander, who was the senior tax partner in the Mudge, Rose firm. I had worked with John Alexander in New York City on a large case back in 1953 and 1954. And that is how he came to know me and I to know him.

John Alexander, along with a man named Eugene F. Bogan, who was a tax lawyer here in Washington, were both in the group who was getting together some tax professionals for consideration by the President to head up the tax agencies in Government. I do not know whether my name was initiated by Alexander or Bogan. I suspect that one or the other were the first ones to put my name in the hat, so to speak.

Mr. ARMSTRONG. Prior to the decision being made, did you speak with any officials of the transition or the administration?

Mr. WALTERS. Yes. I responded to Mr. Alexander by saying that I would like to have some time to think about it. He said that he needed to know that morning, by noon, whether I would be interested.

I talked with my wife and my partners and called him back and said that, while I was not seeking the job, but as a tax professional, I would be interested, and I would be available if they wanted me.

Later in the week, I received a call from Harry Dent, who was then in the transition office, advising me that I was being considered for the post and suggesting that I ought to talk with certain people so that they would get to know me. I informed Mr. Dent that I had agreed to be available for the job but that I was not seeking it. If it involved a lot of politicking, I was not inclined to pursue it.

Nevertheless, I did agree to talk to two or three people, the main one being Senator Thurmond of South Carolina, because at that time, you will remember, in addition to being the senior Senator from my home State, he was given a lot of credit for the election. I did talk with Senator Thurmond, and I informed him that I had been asked if I would be available, that I was not seeking the post, but that as a tax professional I thought that I had a responsibility to say yes, I would do this, if asked to do it, that any tax lawyer worth his salt would, because I realized that it was an opportunity and a privilege.

Ultimately, Senator Thurmond said that he would tell them, whoever them means, that he supported the idea.

About January 7, I guess—I may be off a day or two—1969, I was called and asked to come to New York City to meet the Attorney General-designate, John Mitchell. And I believe Saturday, the 9th—these dates—I have not checked that; I think they are about right. I did go to New York on Saturday and met with John Mitchell and Richard Kleindienst, who later became the Deputy Attorney General.

After interviews with both of them, I was asked to report to the Department of Justice on the following Monday, which I believe was January 11. Again, the dates are subject to verification. And, of course, that was for the purpose of working with the then-Assistant Attorney General Mitchell and his staff, so that on January 20, when I was moved into this spot, that I would have some idea of the pending business. And just to ease the transition, I did that.

That is basically how it came about, and I do not know whether it was Bogan or Alexander who suggested my name.

Mr. ARMSTRONG. Thank you, sir. During the period of your service as Assistant Attorney General of the Tax Division of the Department of Justice, did you have any responsibility or handle any cases that had any bearing on Howard Hughes or the Hughes Tool Co.?

Mr. WALTERS. No.

Mr. ARMSTRONG. Any cases that had any bearing or involved Lawrence O'Brien?

Mr. WALTERS. No, I do not think so.

Mr. ARMSTRONG. Any cases that involved the President as a direct party, or any of his relatives?

Mr. WALTERS. No.

Mr. ARMSTRONG. Any cases involving Mr. Rebozo or any corporation of which he was then an officer or a director?

Mr. WALTERS. Not to my knowledge.

Mr. ARMSTRONG. Any cases involving Resorts International?

Mr. WALTERS. What is Resorts International?

Mr. ARMSTRONG. Resorts International is a corporation. It is a New York corporation that owns, among other things, Paradise Island in the Bahamas.

Mr. WALTERS. Not to my knowledge.

Mr. ARMSTRONG. At one time it was acquiring a good deal of Pan American Airlines stock.

Mr. WALTERS. Not to my knowledge. I say it that way because of the flow of business; but I do not recall any of those names. I do not even know whether there were cases.

Mr. ARMSTRONG. Can you tell us how you came to be Commissioner of the Internal Revenue Service in August of 1971?

Mr. WALTERS. In, I guess, late 1970 or early 1971, it became obvious that then-Commissioner Randolph W. Thor was running into difficulties, maybe PR difficulties. But anyway, there was a lot of flak in the press, and his position became unhappy, let's say. He resigned in early 1971. My recollection is that he submitted it sometime in January.

Randy Thor and I had been good friends for a long time. And, of course, I knew about his plans from my discussions with him. However, he agreed to remain as Commissioner until they found someone. The administration did not find someone right away, and Randy stayed, I believe, until the summer of 1971. I forgot exactly, but for some time.

Many names, I guess, were being considered. And they were having difficulty, I guess, finding someone or getting someone to agree to take the job. At some point, my recollection is, that I mentioned to the Attorney General, then John Mitchell, that while I had hoped to leave Government sometime in the summer or early fall of 1971, that if it would be helpful that I might be willing to take the job of Commissioner, of course realizing that I would have to stay on for the first 4-year term.

Later on, my name surfaced as a potential, which was natural anyway, because in that spot I was one of the tax team and had been from the beginning.

Whether or not that was passed on by the Attorney General, I do not know. I do not know what role he played in my becoming Commissioner, although I would suspect that he spoke well of me.

Several names ultimately broke out in the media. One was Jack Nollen, who was at Treasury. And the media made some do about Nollen and Walters. I do not think either one of us were really seeking that job.

Ultimately, Secretary Connally—I talked to him. By that time he had come in. And, of course, he was the one who would make the final decision. And I recommended to Secretary Connally, Jack Nollen, telling him that he was already in Treasury, he was highly qualified, and he was there. Secretary Connally admitted, or stated to me, that he would like Nollen and that he wanted to think about it.

Ultimately, Secretary Connally invited me back for a second conference and informed me that he would like for me to be Commissioner, because he had decided that he wanted to keep Nollen in his office at the Treasury Department. And once he made that decision, of course, I guess the paperwork, the normal routine moved forward.

Mr. ARMSTRONG. Thank you, sir. Can you tell us, as Commissioner of the Internal Revenue Service when you first became aware of any of the tax matters involving the Hughes Tool Co. or John Meier?

Mr. WALTERS. May we go off the record?

Mr. ARMSTRONG. Yes.

[Discussion off the record.]

Mr. WALTERS. I indicated that the paperwork moved forward in the normal fashion. That is true, but with one little exception. That is, that as soon as my name had surfaced as the likely successor to Randy Thor, Roger Barth, who then was Special Assistant to the Commissioner, came to my office in the Justice Department and informed me that he wanted to be Deputy Commissioner, which is the No. 2 man at IRS.

I told him quite frankly that I would not recommend him, that I would not agree to that. I informed him of my reasons and views, my reasons being, that as Deputy Commissioner—the man who is in charge of the day-to-day operations of the business of IRS—he is a career official; he should be a man of mature judgment and experience. He should know IRS personnel and he should know the tax system. He should know the Internal Revenue Code. I informed Mr. Barth that in my opinion he did not meet those qualifications and, accordingly, I could not entertain that suggestion.

The next morning I received a telephone call from John Ehrlichman, who informed me that he had heard a rumor that if I were made Commissioner that I would get rid of Roger Barth. I responded by informing Mr. Ehrlichman that I had not reached any such conclusions but that, in my opinion that there was a very definite problem with Roger Barth being at IRS and that if I were to be nominated I thought that we ought to sit down and talk about it. He agreed and thought it was a good idea and said that he would keep it in mind.

A few days later, I received a call asking me to meet with Mr. Ehrlichman at some appointed hour, I forget, and when I arrived Mr. Ehrlichman was not present. I was informed that he was with the President and that I should see Fred Malek.

I did see Fred Malek, and we discussed the status of Roger Barth as it related to my being nominated to be Commissioner. I quite frankly informed Mr. Malek that there was a problem with Roger Barth being at IRS, working the way he worked, that I would not agree for him to be Deputy Commissioner, and that if the administration felt that they needed someone at IRS in the role of a spy that they did not want me as Commissioner; further, that I did not want to be Commissioner in that situation.

Mr. Barth is a young man with talents and capability. And I informed Mr. Malek that if he were to remain in IRS that I thought everyone would be served well by him doing or performing substantive tax work, which would be good for IRS and good for Mr. Barth.

Mr. Malek agreed, and we ultimately compromised, I guess, by my agreeing to keep Mr. Barth for a period of 90 days, changing his work as I anticipated. And if it, at the end of 90 days, was not working out satisfactorily, then that Mr. Malek would support me in moving Mr. Barth.

Mr. SCHULTZ. Did you say "moving" or "removing"?

Mr. WALTERS. Moving him to some other spot somewhere.

I was told, of course, that the papers which would nominate me for that post would not move from the President's desk to the Congress for confirmation, would not move from Mr. Ehrlichman's desk to the President and then on to the Senate for confirmation, until we reached some solution to the Barth problem.

After Mr. Malek and I discussed the matter, I went back to the Treasury Department and discussed it with Secretary Connally and, I believe, Under Secretary Walker. But I am positive about Secretary Connally. And we all reluctantly agreed that we should try that. The papers moved forward, and I ended up in this glorious spot.

Mr. SACHS. You might want to add, carrying that thought forward, what changes you did in fact make with respect to Barth.

Mr. WALTERS. Let me say this, and I regret having to speak in a way that might cast some discredit upon Mr. Barth, because I do not like to do that to anyone. And, as I indicated earlier, he is a young, capable man. He has a lot of capacities.

But at IRS, with him having been the advance man for the Nixon girls and David Eisenhower in the 1968 campaign, he more or less immediately took on the posture of being closely aligned with the White House.

Mr. SCHULTZ. Excuse me for 1 minute—what was his title?

Mr. WALTERS. He was Special Assistant to the Commissioner.

Mr. SCHULTZ. Special Assistant.

Mr. WALTERS. Throughout IRS, maybe with minor exceptions, he was thought to be a White House spy. And I say, thought to be, because I do not know that anybody can ever point to anything specific that would prove it to your satisfaction or anybody's satisfaction. But the IRS management teams were leary of him.

When I became Commissioner, I decided that we needed to change that, and that was just one change that I made, but certainly one. So I immediately initiated the following changes to try to overcome that kind of aspect.

First, I had discussions with him and suggested, as I had already, that to serve his personal goals better, he ought to do substantive tax

work and that I wanted to give him that kind of an assignment. And I started doing that, with very little success, because I just never got to the kind of productive work in that vein that I hoped that I would get.

Second, Mr. Barth, along with the other Special Assistant to the Commissioner, a man named Ed Perkins, a technical man; he previously had attended the staff meetings. The staff meetings involved the Commissioner, the Deputy Commissioner, the Chief Counsel, and all of the Assistant Commissioners. Mr. Barth had served as secretary throughout those meetings and had prepared the minutes.

I decided that I would like the top management team to be relaxed in their approach to questions and completely free in discussing the subjects that we wanted to discuss on a hard-nosed professional basis. I said that from that time forward, the only people that were to attend the staff meetings would be the Commissioner, the Deputy Commissioner, and the Chief Counsel, and the Assistant Commissioners. I excluded others, including the Special Assistants to the Commissioner.

Further, we did not keep minutes, except as individuals might make, you know, handwritten notes at the time, because I did not want those discussions to be dampened by any idea that what was said in there might be published in some form.

This upset Mr. Barth, needless to say, but that is how we proceeded.

Mr. SCHULTZ. What happened to the 90-day commitment?

Mr. WALTERS. The 90-day commitment expired with Mr. Barth still remaining as a Special Assistant.

Why? Because as we approached the end of the 90 days, from several sources I was led to believe that Mr. Barth would be leaving IRS. I discussed this with him, on hearing this, and he informed me that, yes, he thought that that was so, that he understood that there were, as he put it, that they are looking for a spot for me. I believed not just him but the others sources that he would be leaving IRS, and I decided that it would be inadvisable for me to make a Federal case and just up and push him out if he were going to be leaving gracefully, because, obviously, it was advantageous for the agency to be on a reasonably good relationship with the White House staff.

These rumors persisted but he did not go. And in, I think, the early fall of 1972, he left the post as Special Assistant to the Commissioner and became Deputy Chief Counsel. The Chief Counsel's Office is in the Treasury Department and is not under the Commissioner, although he is in the building and, of course, is the in-house lawyer, you might say.

Mr. SCHULTZ. I take it that you did not either formally or informally ask that at the end of the 90 days that he leave.

Mr. WALTERS. I did not, because I thought it was going to be imminent and it kept dragging out.

Is that satisfactory?

[Recess.]

Mr. WALTERS. The Chief Counsel of the Internal Revenue Service, K. Martin Worthy resigned. My recollection is, in January 1972, his Deputy, a man named Lee Henkel, was promoted after several weeks to the position of Chief Counsel. He began looking around for a Deputy, and identified a lawyer that he wanted to be Deputy. When he advanced that thought, he was met with the proposition that he

probably ought to have two deputies, with the second being Roger Barth. And Mr. Barth did become the second Deputy Chief Counsel.

Mr. ARMSTRONG. Who offered that suggestion?

Mr. WALTERS. I cannot answer that directly; I suspect that this came probably from Mr. Barth and his sponsor, Mr. Ehrlichman, but I cannot state that as a fact. That would be my guess.

Mr. ARMSTRONG. To whom did Mr. Worthy—excuse me—to whom did Mr. Worthy or Mr. Henkel actually report?

Mr. WALTERS. To the General Counsel of the Treasury Department: at that time, Judge Samuel Pierce.

Mr. SCHULTZ. This transfer had been subject to your approval?

Mr. WALTERS. No, it was not. All I had to do was sit quietly.

Mr. ARMSTRONG. When did Mr. Barth assume his duties as Deputy Chief Counsel?

Mr. WALTERS. My recollection is in the fall of 1972.

Mr. ARMSTRONG. Subsequent to that, did he retain any of his old duties that he had had as Special Assistant to the Commissioner?

Mr. WALTERS. No, because that was a complete shift, you might say, from one function to another.

Ms. DEOREO. October 31, 1972, was the date that Barth became Deputy Chief.

Mr. ARMSTRONG. For the clarity of the record, you have spoken of your awareness, when you were being considered for Commissioner, your awareness of the problems with Barth's role at IRS. How had you been familiar with those?

Mr. WALTERS. As Assistant Attorney General, of course, I worked closely with the Commissioner, the Deputy Commissioner, the Chief Counsel and the top IRS staff people. By osmosis I became aware of it.

Mr. ARMSTRONG. You were well acquainted with Mr. Barth and the role he played?

Mr. WALTERS. I would not say well acquainted; I was aware of it. And here aagin, let me say this: As I indicated earlier, I cannot point to any misbehavior on his part specifically, but this was a general feeling that existed in IRS.

Mr. ARMSTRONG. Can you tell us when you first became aware of the pending tax matters against Mr. Hughes or the Hughes Tool Co.?

Mr. WALTERS. Not specifically, although I think it was late in 1971, early 1972. By that, I mean the winter of 1971, the spring of 1972. I became aware of the fact that we had and were moving forward with a project to examine the Hughes organization and operation, with the team being headquartered in the Nevada district, but with agents in other districts, particularly Houston and, I believe, some in New York that were working them.

Mr. ARMSTRONG. When did you first become aware of the so-called John Meier case?

Mr. WALTERS. In all probability I noted these things in the sensitive case reports. I could not pinpoint when I first noted it. Along in this time, in the spring and summer of 1972, the Meier case and other names were falling out of the Hughes investigation.

Mr. ARMSTRONG. Both the Meier case and the Hughes Tool Co. case were the subject of sensitive case reports, and you briefed the Secretary?

Mr. WALTERS. In all probability the latter case would have been linked with Hughes because it grew out of the Hughes situation.

Mr. ARMSTRONG. You would brief the Secretary on these as a part of the sensitive case system?

Mr. WALTERS. You say "briefing." No, I would not brief him; I never did brief him on the sensitive case reports, although he regularly saw the sensitive case reports. Sensitive case reports were prepared monthly; one copy went to the Commissioner; one copy to the Chief Counsel. After the Commissioner saw his copy, and the Deputy Commissioner, then Mr. Barth—I might as well be specific—would deliver that copy to the Secretary for the Secretary's perusal. I never did do that. That was proper and desirable. But from time to time I would mention—not brief, but mention—to the Secretary, sensitive cases. Of course, these would tend to be the ones that were more sensitive than the average sensitive case, and I did mention to him the Howard Hughes situation because it was so big and required so much manpower.

Mr. ARMSTRONG. Do you know if Mr. Barth would show the sensitive case reports to anyone other than the Secretary?

Mr. WALTERS. No, I do not. I assumed that he would take those to the Secretary; the Secretary would look at them; Mr. Barth waited for them. I assume that he brought them back and put them where they were supposed to be in IRS.

Mr. ARMSTRONG. Were you ever aware of him showing sensitive case reports to Deputy Secretary Simon?

Mr. WALTERS. No, but that would be proper, and I would assume it might happen.

Mr. ARMSTRONG. Were you ever aware of him showing sensitive case reports or sending copies of sensitive case reports to Mr. Ehrlichman?

Mr. WALTERS. No, I was not.

Mr. ARMSTRONG. Would that have been within his authorized function?

Mr. WALTERS. It would have been out of the routine, and I would worry about it.

Mr. ARMSTRONG. Do you recall when you first discussed either the Meier or Hughes case with Secretary Shultz?

Mr. WALTERS. To my best recollection, the first time I mentioned the Meier or Hughes investigation to the Secretary would be March 3, 1972.

Mr. ARMSTRONG. Exhibit 1 for today, an eight-page set of handwritten notes for a briefing with the Secretary on that date, March 3, 1972; is that correct?

[The document referred to above was marked Walters exhibit No. 1.*]

Mr. WALTERS. That is correct.

Mr. ARMSTRONG. These are all in your hand?

Mr. WALTERS. That is correct.

Mr. ARMSTRONG. Referring to those notes, on page 3 there is a reference to the John H. Meier case. Referring to those notes, you can tell us as best you can what you discussed with Secretary Shultz on that day?

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*See p. 11657.

Mr. WALTERS. Yes. Growing out of the Hughes investigation and the Meier case had surfaced—and this involved the sale of mining claims in Nevada—at that time, based on information that IRS had, it appeared that Donald Nixon might have been involved in that. And I mentioned this to the Secretary because I thought that it was the kind of very sensitive matter that he should be alerted to.

Mr. ARMSTRONG. Can you tell us as much of the substance of your conversation with the Secretary as you recall?

Mr. WALTERS. At this point, of course, I do not even recall the conversation; but based on my notes, which I made in advance of going to meet with the Secretary, I would have advised him that Bebe Rebozo, according to some indications that IRS had, may have advised Meier to make himself unavailable, relative to the Hughes Tool Co. acquiring those mining claims because of the fear that Meier would reveal that Donald Nixon was his partner in connection with those claims.

Mr. ARMSTRONG. Do you recall whether or not you would have informed Secretary Shultz that Donald Nixon was, in fact, Mr. Meier's partner?

Mr. WALTERS. No, I would not, because at that point the most that I would have done would be alert him to this possibility, indicating that we had some indication that this might be the case.

Mr. ARMSTRONG. In your handwritten notes, in exhibit 1, there are some areas that are darkened. Does that indicate a highlighting?

Mr. WALTERS. After I wrote out my notes for use as a guide in talking to the Secretary, I took a big, yellow, felt pencil and overwrote certain words, or highlighted them, so that when I was talking with the Secretary, I would not have to read the note, but could just glance at the thought that I wanted to talk about.

Mr. ARMSTRONG. I notice there is a checkmark at the left of "mining claims."

Mr. ARMSTRONG. Yes, the checkmarks generally indicate that that is an item that I have discussed with the Secretary. I would check it off and go on to another one.

Mr. ARMSTRONG. You recall that this would have been a conversation you would have initiated with the Secretary?

Mr. WALTERS. This would have been at one of the discussions with the Secretary where I more or less brought him up to date on what was happening at IRS, what we were doing, what we needed to do. It was just kind of a briefing session, and I mentioned various items.

Mr. SCHULTZ. Were these regularly scheduled meetings or on a need basis?

Mr. WALTERS. On a need basis.

Mr. ARMSTRONG. Do you recall if the Secretary seemed familiar with the Meier case at that time?

Mr. WALTERS. No, I have no recollection of how he appeared. He just received this information without any comment or reaction.

Mr. ARMSTRONG. Did the Secretary indicate at that time or subsequently what, if any, action he would take, based on your briefing?

Mr. WALTERS. No; he did not.

Mr. ARMSTRONG. What was your understanding of the purpose of the sensitive case reports and your adding details to it in terms of briefing the Secretary?

Mr. WALTERS. The purpose of the sensitive case reports, as I understood them for a long time, is to alert the Commissioner and his top staff in Washington, and through him, the Secretary, to cases or incidents that might be prominent in the media, in the news media, one way or the other; so that we could be alert and not be surprised by some big blow someplace, that is all.

Mr. ARMSTRONG. Is it also your understanding that the Secretary has any responsibility to alert anyone in the Executive Office of the President?

Mr. WALTERS. I never really stopped to think about it. I assume that it is natural that he might. I never considered it as something that he would just use and carry on to the White House, although it would be quite proper.

Mr. ARMSTRONG. Would the Secretary take notes during your briefing sessions?

Mr. WALTERS. No; he did not.

Mr. ARMSTRONG. Was there anyone else present during these sessions?

Mr. WALTERS. No.

Mr. ARMSTRONG. On page 6 of the same set of notes, there is an item—item 5 says "sensitive."

Mr. WALTERS. Right.

Mr. ARMSTRONG. Then there is the word "Texas"—it appears to be "Southwest."

Mr. WALTERS. Southwest region. The Southwest region covers Texas and some other States.

Mr. ARMSTRONG. This would indicate that you were discussing sensitive cases from that region?

Mr. WALTERS That is right.

Mr. ARMSTRONG. Item "C," under 5, says "Hughes—Howard—Tool." Can you tell us from those notes what that indicates to you?

Mr. WALTERS. This, I would be mentioning to him here, in this particular area, because it falls within the Southwest region, which was the Secretary's home region—then-Secretary Connally—and because part of the Howard Hughes team, as we referred to it, was in Houston, where the headquarters of the Howard Hughes Tool Co. is.

As the note indicates, we had not only a civil investigation moving forward, but one being conducted by the Intelligence Division for possible criminal violations.

As the note on the left indicates, Secretary Connally said, OK, just be sure that the IRS people act properly. From time to time, when I was discussing subjects with him and I did get a reaction, I would make those notes.

Mr. ARMSTRONG. Do you recall to what Secretary Connally was referring? What his emphasis was in terms of "make sure that the IRS people act properly"?

Mr. WALTERS. Just this—I thought I might have made another note to indicate it, but I do not see it—Secretary Connally felt very strongly that IRS should act properly when it needed to act informally, or that IRS should never harass taxpayers, should never be overbearing. And when he said, just be sure that IRS people act properly, that is what he meant; act properly, but do not be overbearing.

Mr. SCHULTZ. Secretary Connally?

Mr. WALTERS. Secretary Connally.

Mr. ARMSTRONG. Do you recall who the Deputy Secretary was at this time?

Mr. WALTERS. Charlie Walker.

Mr. ARMSTRONG. Do you recall Mr. Barth ever briefing Mr. Walker on sensitive case reports?

Mr. WALTERS. Yes.

Mr. ARMSTRONG. And that would be proper?

Mr. WALTERS. Yes; because in the Secretary's absence, the deputy acted for him. So it would be quite proper.

Mr. ARMSTRONG. You have a notation here, "civil substantial," and two dollar signs.

Mr. WALTERS. That would indicate at this point—and unfortunately, we cannot read the figures—this would indicate that in the Howard Hughes investigation, we could already see substantial civil liabilities growing out of the investigation.

I do not know what conclusion, if there has been a conclusion, but the indications were that the Howard Hughes organizations would owe IRS substantial additional taxes.

Mr. ARMSTRONG. In order to be clear on this particular entry, this case is a case which is separate and apart from the Meier case; is that correct?

Mr. WALTERS. It is separate and apart, but they are quite related, because the Meier case grew out of the Hughes investigation, as I understand it.

Mr. ARMSTRONG. Would this include the so-called Maheu case? The activities of Mr. Maheu?

Mr. WALTERS. Probably, because they were all so intertwined.

Mr. ARMSTRONG. The references to civil liability indicates to you that that was a liability of the Hughes organization, not on Mr. Maheu's part?

Mr. WALTERS. Right.

Mr. ARMSTRONG. Now, there is a reference on page 7, three lines at the top of that page. Can you tell us what those are and what they indicate to you?

Mr. WALTERS. This Hughes project, investigation, was a mammoth undertaking because the Hughes organization was so diverse and so widespread that we required a substantial number of agents, special agents, and others to carry on the investigation. I forget, but I have a recollection that at one point we had approximately 50 people on this thing; and I could see it going on forever. And I kept pressing our people to at least draw some parameters and set some goals so that we could conclude this thing and not let it go on and on and on. And I had suggested to them that we should try to accomplish the job in less than 18 months.

Now, the next note indicates that the Hughes Tool Co. officials and employees were cooperating. We were not getting any foot-dragging or any dilatory tactics on their part.

And the third line indicates what was a big concern of mine—was Howard Hughes alive—that question I worried about because I felt that if he had died, then IRS should be trying to determine what

estate taxes would be due, because presumably the amount would be huge.

Mr. ARMSTRONG. Do you recall what, if any, comment or observation the Secretary made on this segment of your report?

Mr. WALTERS. I don't think he made any, because this was more or less just an informative-type oral report to him. I do not recall him making any comment with respect to that.

Mr. ARMSTRONG. Did you have any indication contemporaneously or at a subsequent time that Secretary Connally reported on either the Meier or the Hughes matter to anyone in the White House?

Mr. WALTERS. No, I do not.

Mr. ARMSTRONG. Off the record.

[Discussion off the record.]

Mr. ARMSTRONG. Do you recall, sir, when you would have next discussed with the Secretary any similar matters related either to Mr. Hughes or the Meier cases?

Mr. WALTERS. Based upon the contemporaneous notes made for my discussions with the Secretary, they in all probability would have occurred on March 24, 1972; although I cannot be positive that that date in 100 percent accurate.

But in one of my sessions with the Secretary, just mentioning to him some of the sensitive matters with which we were working, my note indicates that I mentioned to him that I would be going to Las Vegas for a briefing on the Howard Hughes investigation. Now, that was not a trip planned specifically for that. My recollection is that I was going to Los Angeles and possibly San Diego for other business, and I stopped back by Las Vegas for a briefing because of the immensity of the Howard Hughes investigation and the critical nature of the thing.

By that I mean, here we had a lot of our manpower tied up in this thing, following money not only across the country but across the seas, trying to find out where the money was going and why. I did stop back by Las Vegas for the briefing—and you will notice on that particular note, "files–27." Someone apparently had mentioned to Secretary Connally that IRS was misbehaving in the Howard Hughes investigation. By misbehaving, I mean maybe harassing the Howard Hughes people. The allegation had been made to the Secretary that IRS had seized 27 cabinets of Howard Hughes' files and would not let them gain access to them. The Secretary asked me to check on that and determine whether it was true.

That is this note that indicates—reminds me that I did check on it while I was out there, and found that the allegation was not correct; that we had not seized 27 files and were not holding them. And I was just reporting that fact to him.

Mr. ARMSTRONG. For clarity of the record, Mr. Walters is making reference to exhibit No. 2, which is a handwritten memorandum of notes from, I gather, a briefing with the Secretary, which Mr. Sachs notes in the upper lefthand corner "believes to be on March 24, 1972." Is that correct?

[The document referred to above was marked Walters exhibit No. 2.*]

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*See p. 11665.

Mr. WALTERS. That is correct.

Mr. ARMSTRONG. Do you recall if the Secretary made reference to who had raised that question?

Mr. WALTERS. He did not. I recall that he did not; nor did I ask him.

Mr. ARMSTRONG. You have never become aware of who it was?

Mr. WALTERS. No.

Mr. ARMSTRONG. Can you tell us, do you recall any of the substance of your briefing in Las Vegas on the Hughes matter?

Mr. WALTERS. Yes. I had two briefings, one at about this time in March of 1972, and one in August of 1972. The first briefing, of course, was mainly to orient me to the size of the project and some of the problems and the direction which the investigation was taking. When I arrived in Las Vegas, sometime late on the night before the briefing, my recollection is 10 or 10:30, the District Director met us at the airport—and with me at that time was the Regional Commissioner, then Homer Crosmun. He took us to our hotel and then to a casino, because I had never been in a casino before. And he recognized that the next morning when they were briefing me they would be talking about the "pet" and other things and I had no concept of it. So we went and he showed me through a casino and we watched the play in action. We did not engage in it; it was an educational tour, so to speak.

So, the next morning at the briefing we went into the space occupied by the intelligence agents where they had one wall of the room with a chart, or charts, showing the various Hughes organizations, corporations, and other activities, and also the names that were beginning to surface in the investigation. My recollection is that that chart covered almost the entire wall of the room—to give you some concept of the immensity of the thing.

The team manager, whose name I do not recall at this time, briefed us, told us how the investigation stood, where we were, where they felt they had to go. Actually, it was a briefing for me on more or less a managerial level, just to inform me about it. That was the one in March.

Mr. ARMSTRONG. Do you recall if Mr. Keany was a part of that? Al Keany?

Mr. WALTERS. Yes, Mr. Keany was part of this investigation; yes, he was.

Mr. ARMSTRONG. At that time was there discussion of Mr. Donald Nixon's ties with Mr. Meier?

Mr. WALTERS. I do not recall, and if there were discussions, I would not recollect that it was part of the briefing, but maybe part of an aside comment or conversation while at the briefing. I do not recall whether it was at that briefing or the one in August, but it is very likely that it could have been either one, because by that time, Mr. Donald Nixon's name had been mentioned in connection with it.

Mr. ARMSTRONG. Do you recall whether Mr. Rebozo's name came up?

Mr. WALTERS. I do not recall when it came up, but that, too, surfaced in connection with all this.

Mr. ARMSTRONG. Did you take any notes at that briefing, do you recall?

Mr. WALTERS. No, I did not.

Mr. ARMSTRONG. Was there anyone else with you traveling on your staff?

Mr. WALTERS. At the second briefing, of course, I recall the Assistant Commissioner of Compliance was there. He may have been at the first briefing, too. I do not recall specifically. Also, I had a second briefing; I believe Mr. Crosman was there also. He was the Regional Commissioner out of San Francisco. This was in his region.

Mr. SCHULTZ. Were you ever furnished with a summary of the briefing later, a recapitulation?

Mr. WALTERS. I do not recall receiving any written recapitulation.

Mr. ARMSTRONG. Did you report back on the briefing to Secretary Connally subsequently?

Mr. WALTERS. At some point, this would indicate that I planned to and I am sure I did, you know, just to advise him that I had the briefing and I had checked on the matter of the files.

Mr. ARMSTRONG. Am I correct in assuming you were unable to locate any notes relating to the Hughes and Meier matter between March of 1972 and August of 1972?

Mr. WALTERS. I have none, because when I prepared these notes, of course, I did not realize the full use to which they would be put. I really prepared them just for my use in talking with the Secretary, and I think I kept them all and I have no other notes.

Mr. ARMSTRONG. Up to this briefing of March 1972, did you ever have any discussions with anyone in the White House or anyone, any associates of the President or agents of the President, or with any campaign affiliation, regarding any tax matters related to Hughes or Meier matters?

Mr. WALTERS. No.

Mr. ARMSTRONG. Had you had any contact with anyone in the White House relating to any IRS functions at all from the time that you were appointed through March 1972?

Mr. WALTERS. I do not think so. I do not recollect any contact in the White House in that vein.

Mr. SACHS. Excuse me. There is a reference in your exhibit 1 to, on page——

Mr. WALTERS. On page 4.

Mr. SACHS. With respect to the Dean call. He is White House there.

Mr. WALTERS. I am sorry.

Mr. ARMSTRONG. Why do you not mention the name of the tax case?

Mr. WALTERS. I probably answered your question too specifically. From time to time when the White House would be considering appointing an individual to some governmental post requiring confirmation or naming some individual to an honorary commission or something of this sort, they would make inquiry of us, asking whether IRS had any ongoing investigation of the particular individual.

This we considered—and I think everyone does—proper, and also advisable, and we would also do another thing. If IRS happened to notice a name mentioned as a likely Presidential appointee of some fashion and whoever noticed it knew that something was ongoing in IRS, then they would call that to our attention. This kind of information we did pass on to, generally John Dean in the White House, and I have this contemporaneous note that indicates that I did advise him in this respect.

Mr. ARMSTRONG. I also notice that on page 5 there is an item. Again, we do not need to mention it by name. Item No. F, which has next to it, "Call Mitchell." Is that Attorney General Mitchell?

Mr. WALTERS. That is right.

Mr. ARMSTRONG. That indicates, then——

Mr. WALTERS. That I was trying to reach him on March 6, 1972. And I might just add that I did later get him a day or two later on that. This was just to post the President through John Mitchell that IRS had this situation going with that individual that reportedly was a friend of the President, and the purpose of the call was to alert them that they should not be too cozy with that kind of an individual. This was done on an ongoing basis because if we could anticipate a problem—for instance, you may notice the next item on that particular page. It shows the name of a doctor, and this now has become public information, so we can now talk about it without any worry. Someone noticed, someone in IRS noticed in the media that the President apparently intended to take Dr. Ryland with him on his trip to China, and I was alerted that we had an ongoing investigation on this particular individual and that maybe we would want to alert the President that we doubted that he should take this man.

I did alert the Secretary of this, and either he or I—I do not know which—may have called John Dean. We did alert the White House of this and suggested that maybe he would not want to take this man. He did take him to China. And the same thing reoccurred prior to the Russian trip. Nevertheless, we ended up prosecuting Dr. Ryland. After a very lengthy trial, just a few weeks ago he was acquitted.

Mr. ARMSTRONG. Do you know if you would have mentioned the Meier or Hughes case or Mr. Donald Nixon or Mr. Rebozo's involvement in those cases to either Mr. Dean or Mr. Mitchell?

Mr. WALTERS. I do not think so. I doubt it. That kind of thing ordinarily I would just mention to the Secretary.

Mr. ARMSTRONG. Incidentally, the item that we referred to on page 5 as item F, involves a name of an individual that has not come up previously in this case, so we will leave it off the record.

Mr. WALTERS. I agree.

Mr. ARMSTRONG. It is an associate of the President, but he has not been named previously.

Mr. SACHS. There is a similar item E on page 4. There is also a reference "Call Mitchell."

Mr. ARMSTRONG. Right.

Mr. WALTERS. May we go off the record?

Mr. ARMSTRONG. Sure.

[Discussion off the record.]

Mr. ARMSTRONG. Could we put this on the record?

I appreciate you being forthcoming, and it is important for you to have it in the record. Go ahead, sir.

Mr. WALTERS. You will note that in my discussion with the Secretary on March 3, 1972, and I mentioned the fact that IRS did have some investigation going with respect to two or three individuals. The Secretary suggested that I call John Dean in one instance and John Mitchell in the case of a couple of the others.

The purpose of the Secretary was to alert these people, and through them the President, that we did have these sensitive matters pending

and that possibly the President should be alerted and act accordingly. While it did not occur to me at the time, recently it was pointed out that John Mitchell had left the Attorney General's position or office 1 or 2 days prior to the time that I finally reached him on the phone, March 7, I believe. I tried to reach him on March 6, but failed to.

But the Secretary's idea, with which I concurred, was that John Mitchell was at that time the closest person to the President, and that he could alert the President to the situations involving reported friends of him much better than could the Secretary or someone else.

Mr. ARMSTRONG. Do you recall in your conversation with Mr. Dean on or about March 6 if Mr. Dean mentioned Larry O'Brien and the fact that Mr. O'Brien was involved in a leasing arrangement with the Department of Transportation headquarters building, anything in that nature?

Mr. WALTERS. No, I do not. In fact, that is the first time I have heard that kind of language.

Mr. ARMSTRONG. Do your logs and diaries reflect any meetings with the Secretary between March 24, 1972 and August 25, 1972?

[The document referred to above was marked Walters exhibit No. 3.*]

Mr. WALTERS. I am sure they do. These sheets that we have brought down here were the ones where there were mentions made of the Howard Hughes investigations and related cases. But I am sure that they would reflect meetings.

Mr. ARMSTRONG. Do you show a meeting during the week of June 10, 1972?

Mr. WALTERS. I might add that these sheets are not perfect.

Mr. SACHS. Let me also say on the record that John A. Walters' complete set of his notes of meetings with the various secretaries he has, and the grand jury has the complete set of everything. I would also look in there to see if there are any notes. I gather you do not want notes that are not related to this subject matter?

Mr. ARMSTRONG. Although if we could find a meeting during that week that would indicate what was discussed, that might be helpful.

Mr. SACHS. For his reference it might be helpful.

Mr. WALTERS. June, what date?

Mr. ARMSTRONG. For reference point, it was around the time that Secretary Shultz was concerned. It probably would have been one of your first briefings with him, and I believe between the 10th and 17th, somewhere in there.

Mr. WALTERS. My calendar shows that at 8:45 on the 16th I was due, and I assume I went, to a staff meeting at Treasury, and at 11:30 on the 16th I saw Secretary Shultz.

Mr. ARMSTRONG. On the June 2 meeting of Connally, does that reflect anything that would cause to elicit any information on the O'Brien-Hughes-Meier investigation?

Mr. SACHS. The first answer, without looking, is, if so, it should be in here.

Mr. ARMSTRONG. It occurs to me that there might be a general reference that would not be apparent the first time, such as a reference to just substantive cases.

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*See p. 11666.

Mr. WALTERS. That was my last meeting with Connally.

Mr. SACHS. We have no objection to you looking at it. It depends what you want in this record.

Mr. ARMSTRONG. Did you have any joint meetings?

Mr. WALTERS. With them jointly?

Mr. ARMSTRONG. Yes.

Mr. WALTERS. Never did.

Mr. ARMSTRONG. Do you recall if in that first meeting with Secretary Shultz that you would have brought him up to date on the sensitive case reports?

Mr. WALTERS. I doubt it, because due to the nature of Secretary Shultz being quite an intense man I do not think I would have jumped right into these sensitive cases right away.

Mr. SACHS. It is indeed possible that you had meetings with the Secretary from time to time that are simply not the subject of notes?

Mr. WALTERS. That is possible.

[Recess.]

Mr. ARMSTRONG. Do you recall in your first briefing with Secretary Shultz if the Hughes Tool Co. project or the Meier case was likely to come up at that time?

Mr. WALTERS. Well, when you ask the question that way, I would assume it did not, because my recollection is that the first briefing of Secretary Shultz was not involving the—you might say the top team in IRS—or at least part of the top team, how we wanted to outline the broad scope of IRS, what we were doing, where we stood; it would have been a broad, general administrative approach, rather than talking about specifics. I doubt very much that we were talking about specific cases, including the Howard Hughes investigation.

Mr. ARMSTRONG. And your calendar indicates that would have been on June 16?

Mr. WALTERS. Well, that indicates that was the first appointment I had with Secretary Shultz, yes.

Mr. ARMSTRONG. And you recall when Larry O'Brien's name first came to your attention in any matter related to Internal Revenue Service action?

Mr. WALTERS. Referring to my notes made—as I talked about before—before talking with the Secretary various times, the first specific reference to Larry O'Brien's name is in my notes on August 25, 1972; although, in all likelihood his name had come to my attention in a sensitive case report earlier than that, just how early I don't recall.

Mr. ARMSTRONG. Do you recall when Mr. Danner's name first came to your attention in relation with the Hughes matter?

Mr. WALTERS. That, too, was earlier in 1972 in connection with the sensitive case reports, again. Just when, I couldn't pinpoint, but I would say in spring, or late spring of 1972, probably.

Mr. ARMSTRONG. Would that have included the substance of the interview with Mr. Danner in May of 1972 in which he disclosed he delivered the $100,000 from the Hughes Tool Co. to Mr. Rebozo?

Mr. WALTERS. Well, at some point it probably would have, whether it did initially, I don't recall. Later on I did learn of the allegations of the money to which you are referring.

Mr. ARMSTRONG. During the summer of 1972, were you receiving, aside from two briefings you told us about in March and August of 1972, were you receiving any information independent of sensitive case reports on Hughes-Meier matters?

Mr. WALTERS. Yes, to some extent we were getting status reports on the Howard Hughes investigation; how frequent those were, I can't say now. It's been suggested that it might have been either weekly or biweekly, I don't recall. But because of the size of that project and the importance to IRS, and also the sensitive nature of the matter, we were getting status reports on it.

Mr. ARMSTRONG. Who was present when the reports were made, and who made them?

Mr. WALTERS. If they were made orally, in all likelihood it would be either John Hanlon, reporting to me, or Joe McGowan, who is John Hanlon's deputy, reporting to me. If they were made in writing, of course, in all likelihood they would come out of the Intelligence Division of the national office through Mr. Hanlon, and then up to the Commissioner.

Mr. ARMSTRONG. In an oral briefing, would anyone be present besides Hanlon?

Mr. WALTERS. It's likely that the Deputy Commissioner would be present, although he might not be present each time. The Deputy Commissioner was then a man named Ray Harless who has since retired and now lives in San Francisco.

Mr. ARMSTRONG. And do you recall if you had any contact directly with the White House in relationship to any of these matters, up to August of 1972?

Mr. WALTERS. Well, the only direct contact I had with the White House was in connection with the Larry O'Brien matter, that's the one we're discussing, I guess, was a telephone conversation initiated by Secretary Shultz to John Ehrlichman in late August 1972. While I can't say precisely what date it was, after much refreshing and much further checking, not only our notes but others' we have speculated that date was August 29, 1972.

Mr. ARMSTRONG. Before we discuss the substance of that conversation, can you describe the substance of your conversation with Secretary Shultz on August 25, 1972?

Mr. WALTERS. No, I can't. All I can do is look at the notes I made contemporaneously before going into the Secretary's office, indicating the items I wanted to just mention to him. And of course that note of August 25, 1972, indicates I mentioned several sensitive cases. Two items mentioned the Howard Hughes investigation and various names that were surfacing in that investigation, one of them being Larry O'Brien's.

By that time IRS had indications, information that the Howard Hughes organization had paid clearly substantial sums to Larry O'Brien, or Larry O'Brien and his associates; and IRS, as in many other cases, was interested in finding out more about these payments, why they were made, and where they ultimately went.

Mr. ARMSTRONG. Can you just describe briefly the history of the O'Brien matter as it developed, and the Hughes matter, up to the first time it came to the attention of the White House?

Mr. WALTERS. Well, I don't know when it first came to the attention of the White House, except how, I might say, it flowed back to me. In the spring and summer of 1972, of course, IRS had information and evidence that these payments had been made to Larry O'Brien and his associates. The team on the Howard Hughes investigation wanted, of course, to follow the Hughes money wherever it went, and find out why it went, and where, ultimately.

At some point in the summer of 1972—and I cannot pinpoint the date—Secretary Shultz stated to me that the White House had information that indicated that Mr. O'Brien may have received large amounts of income which possibly might not have been reported properly. The Secretary asked if I could check, and I said I would check. I then asked the Assistant Commissioner of Compliance, Mr. Hanlon, if he would determine whether Mr. O'Brien had filed returns, and the status of those returns. A few days later Mr. Hanlon reported orally to me that IRS had checked, that Mr. O'Brien had filed returns; that those returns reflected large amounts of income; that the returns had been examined, that a small, relatively small deficiency was indicated in one, which Mr. O'Brien had paid; and that the audits and examinations were closed.

Now, I reported this to the Secretary at some point and told him just that, which meant that there was nothing else, that IRS had performed its function and responsibility. Subsequently—and when I say "subsequently" I don't mean within a day or week, but sometime later—the Secretary indicated that that had not completely satisfied Mr. Ehrlichman, and, wasn't there anything else that could and should be done; and of course by this time IRS had already concluded, felt that it should interview Mr. O'Brien in connection with these payments from Hughes.

I told the Secretary—and I don't know whether the idea initiated in the field, earlier with me, or even in the discussions with the Secretary—that we could interview Mr. O'Brien and just be sure that the amounts reflected in the return covered the particular amounts from the Hughes organization.

We did then undertake—and when I say "we" I mean the people conducting the Hughes investigation—undertook to interview Mr. O'Brien; and needless to say, he was busy and not easily available. But they did ultimately have an appointment with him which was not kept. Mr. O'Brien did not show. And the agents ultimately felt they were given some sort of a runaround, and they were being dodged.

I say this reporting to you factually, not indicating what I think, because I think at that time obviously Mr. O'Brien was very, very busy and it could have been an accident. In any case, they ultimately did talk with Larry O'Brien, Jr., and he indicated that he knew about his father's affairs, and that he would be pleased to sit with them and conduct a conference. The agents initially agreed to that.

In some fashion—how I do not know—this information became known to Mr. Ehrlichman; and when I say that flat out I am, I guess, surmising to some extent because Mr. Ehrlichman never told me that; but that's the indication. In any case, through Secretary Shultz I was informed that that hardly seemed appropriate, that IRS should interview the taxpayer, not the taxpayer's son; and of course I agreed with that. I think it's quite proper to interview the taxpayer, and so

I advised our people and directed them that they should have the interview with the taxpayer and not the taxpayer's son.

They did have an interview with Mr. O'Brien on August 17, 1972, I believe here in Washington. While the time that Mr. O'Brien could give them was limited, the report which they made in writing indicated he was cooperative, there was no harassment on either side; and apparently it was a completely good, solid conference. Mr. O'Brien indicated, of course, that any further conferences should be postponed until after the election.

Incidentally, subsequently I was told that the idea of postponing further conferences was not exactly cricket, but the IRS never did conduct any further conferences.

The August 18 conference report was transmitted to the Secretary, at my suggestion, as I recall. I don't know who delivered it, but anyway, by this time I thought he should have a full report.

By this time, of course, I thought this thing should be completely over and done with, with IRS. The taxpayer had filed his returns, reported his income, paid his taxes. IRS had conducted an audit, so the case was closed. And I insisted to the Secretary that that was the situation. However, it appeared that he was being pressed—I'm talking too much.

At some point in August of 1972 the Secretary asked if I would bring over Mr. Barth so that he, Mr. Merric, and I could review the O'Brien affair, and call and discuss it with John Ehrlichman and get rid of it for once and all.

Mr. ARMSTRONG. Before we discuss that, your affidavit of June 10, 1974, which is exhibit 4 here today, covers the same topic and makes reference to the fact that the O'Brien meetings—the interview with Mr. O'Brien and the IRS was August 17, 1972.

Mr. WALTERS. Right.

[The document referred to above was marked Walters exhibit No. 4.*]

Mr. ARMSTRONG. Now, is there any way to place the date of when Secretary Shultz indicated that someone in the White House had information that Mr. O'Brien had received large amounts of income that might not have been reported properly?

Mr. WALTERS. No, not specifically. It goes back to, presumably, sometimes in July, maybe even earlier; I don't recall, and I have no way of pinpointing it.

Mr. ARMSTRONG. Could it have been the first meeting with Secretary Shultz on June 16, 1972?

Mr. WALTERS. No, I don't think so; but I can't say "no."

Mr. ARMSTRONG. Subsequently you became aware that it had been an individual who told this to Secretary Shultz, it was Mr. Ehrlichman.

Mr. WALTERS. That is right, and it was confirmed in late August by the Secretary. I brought Mr. Barth over, and we discussed that, called Ehrlichman, and got rid of it once and for all.

At some point I think the Secretary and I felt that we were being "back-doored" in some fashion, and we didn't know how. But that it would be advisable for Mr. Barth to be advised of this particular

*See p. 11667.

matter, what we were doing, and what we were concluding. Now, that may suggest things to you, and if it does let it be, I don't want to make these assertions.

Anyway, we did do this. I brought Mr. Barth in and told him the situation as I understood it; we had the suggestion that large amounts had been made and maybe not reported; that IRS had checked the returns that had been filed, had examined them, and that it appeared that everything was proper, we had closed the examination, and there was nothing else we could do. Mr. Barth concurred in that view, so did the Secretary. So we went, Mr. Barth and I——

Mr. SACHS. It's my turn to interrupt. Just to direct your attention to what could have been an ambiguity, and may be an ambiguity, and that is this: Would you just address yourself to the proposition of whether the O'Brien interview on August 17 was an interview with O'Brien, taxpayer, for purposes of determining his own tax liability; or, was it an interview of O'Brien, taxpayer-witness in the Hughes, or Meier, or Hughes-related investigation? How did you see it?

Mr. WALTERS. I saw it as part of the Hughes, and my recollection is that the memorandum covering the conference with Mr. Hughes was in that vein; it was following the payments made by Hughes to Mr. O'Brien. And I think if you have that, if you get that, you will find that was the vein in which it was conducted.

Mr. SACHS. There is one other theme that is reported in your affidavit that probably belongs here, as far as the record is concerned, and that is, you already said here that you don't recall whether the necessity to interview O'Brien, how it was with respect to Hughes, exactly how it was generated; whether it was from the field, whether it was the Secretary, whether it was you. But in any case, an interview with O'Brien certainly indicated it was a part of the Hughes investigation.

Mr. WALTERS. That's right.

Mr. SACHS. Now, you have said in your affidavit, and why don't you address yourself to it here, normally, notwithstanding the necessity of such an interview, it probably would have been postponed because of the sensitivity of that season, but that postponement didn't occur. Would you address yourself to that?

Mr. WALTERS. That's right, thank you, Steve. I can't say, as I indicated earlier, but I suspect that the initial idea of an interview would have been generated in the field, because they were conducting this thing all over. However, as I indicated, it possibly could have come out of my discussion with the Secretary, something we could do; I don't know, I think from the field. But, in any case, in late 1971 and early 1972 a top management team of IRS, the Deputy Commissioner, the Assistant Commissioner, the Chief Counsel and I talked about 1972; what kind of year it was going to be with an election coming up. We deliberately concluded that we wanted to conduct our business affairs in a straightforward, proper fashion without getting involved in politics on either side, to the extent possible, without losing either revenue or position—and by "position" I mean IRS position as to a particular case or issue.

We though that where we could properly do so, anything involving a very sensitive matter, we would postpone until after the election.

Now, however, if in doing so we endangered either the revenue we were to collect, or a position that IRS should take, we would not postpone, we would go ahead and just let it happen. We didn't want to make either side mad. With that policy in mind it's obvious that in any pursuit, or interview, if that's a good word—maybe I shouldn't use the word "pursuit" of Larry O'Brien——

Mr. SACHS. You already did.

Mr. WALTERS [continuing]. Would have been postponed until after the election. So, I think IRS would not have conducted that interview until after the election had it not been for the generation of pressure from the White House, Ehrlichman. To that extent, I think, we varied from our pattern. But, it's an interview that we would have conducted, and had he been Johnnie Walters, or Jim Smith, or Joe Blow, we would have interviewed him even earlier.

Mr. ARMSTRONG. Does there exist any memorandums, or any minutes, or anything that reflects the internal policy to postpone such sensitive interviews until after an election?

Mr. WALTERS. No, you won't find that in writing, because I told you earlier, we stopped taking minutes and for this reason, it was a conscious management decision we made to try to get through 1972 without any big blows on either side.

Mr. ARMSTRONG. Now, but all of the key management staff that you described in 107 would have attended at least one meeting where that was discussed exclusively.

Mr. WALTERS. Well, I would think so.

Mr. ARMSTRONG. Among the Assistant Commissioners and Deputy Commissioners we should be able to find other participants.

Mr. WALTERS. I would think so. It's just, you know, we wanted to do it in a sound way.

Mr. ARMSTRONG. Do I understand correctly that you have no specific recollection of any specific request, or planned to interview Mr. O'Brien independent of——

Mr. WALTERS. Howard Hughes?

Mr. ARMSTRONG. No. I am thinking of the Shultz-Ehrlichman suggestion.

Mr. WALTERS. No, wait a minute, as I said earlier, the idea, I'm positive in my own speculation, let's put it that way, existed in the field; but it very likely would have been postponed until after the election except for the Ehrlichman-Shultz discussion.

Mr. SACHS. Can we go off the record?

Mr. ARMSTRONG. Certainly.

[Discussion off the record.]

Mr. ARMSTRONG. Was it customary, Mr. Walters, that requests for interviews of prominent individuals be brought to your attention?

Mr. WALTERS. No, I would say it was not customary because you don't have that kind of a situation developing often. I think in this situation it developed, probably, for two reasons; one was the Hughes project which was big and of continuing interest to me as Commissioner because of the great consumption of manpower for one thing; and also, second because of the intercession of the Secretary on behalf of the White House, it was, needless to say, necessary for me to keep posted. So, it was unusual.

Mr. Armstrong. Do you recall—I think you mentioned previously you recalled Mr. Rebozo's name surfacing sometime in the late spring or early summer of 1972.

Mr. Walters. Right.

Mr. Armstrong. Do you recall any request to interview him?

Mr. Walters. Yes. IRS here, too, in the field, just as I suspect in the O'Brien case; but I recall, specifically as to Mr. Rebozo, they wanted to interview Mr. Rebozo and Mr. Donald Nixon; those names more or less surfaced together, Nixon and Rebozo.

Mr. Armstrong. Do you recall, however, in summer of 1972 there was a request for an interview with Mr. Rebozo?

Mr. Walters. I think there was, on the part of IRS, you mean?

Mr. Armstrong. Yes.

Mr. Walters. I think there was, and the feeling was, my feeling was and at least, I think, some of the other IRS officials felt the same way, this was one we should postpone until after the election in line with the policy I already mentioned to you. And, they were not interviewed before the election. Needless to say, we did not have pressure to interview them.

Mr. Armstrong. But, do you specifically recall any meetings in which Mr. Rebozo's name came up and it was suggested that he was in that category of individuals that you postponed until after the election?

Mr. Walters. I was in Las Vegas in August, August 18, I believe, to make a speech to a national convention of public accountants, following attendence at the American Bar sessions in San Francisco, and the Secretary's briefing on the Hughes project. Now, while I can't recall specifically, questions have been asked of me that indicated that in all probability while I was there for that briefing, the subject came up with some indication that I said we should postpone it until after the election. I don't recall that conversation specifically, but let me say, I certainly can believe that it very well might have occurred; and it would have been in line with what I said.

Mr. Armstrong. Do you recall who mentioned the conversation to you?

Mr. Walters. No.

Mr. Armstrong. But someone subsequently did mention it to you.

Mr. Walters. Oh, yes.

Mr. Sachs. This was someone, an assistant prosecutor on Jaworski's staff?

Mr. Walters. Right.

Mr. Armstrong. That was in reference to testimony he received elsewhere, without identifying the source.

Mr. Walters. Right.

Mr. Armstrong. And, did you have any discussions with Secretary Shultz regarding the request to interview Mr. Rebozo prior to the election of 1972?

Mr. Walters. I don't think so; I think it probably came after that.

Mr. Armstrong. So, when the request came up to your recollection it stopped at your level?

Mr. Walters. I think so.

Mr. ARMSTRONG. Now, could you describe for us just briefly—in the interest of time, your description of the events on August 29, 1972, they are complete in your affidavit?

Mr. WALTERS. In substance complete, yes.

Mr. ARMSTRONG. Why don't we mention for the record, that is exhibit 4, there.

Mr. WALTERS. Yes. Let's go off the record.

[Discussion off the record.]

Mr. ARMSTRONG. Back on the record. Looking at the affidavit of June 10, are there any additions that you would like to make to that?

Mr. WALTERS. Is this the O'Brien one?

Mr. ARMSTRONG. Yes, sir, to the statement in paragraph 9, or item 9?

Mr. WALTERS. The only other thing I would add is this, and maybe you detected it from the discussion up to this point, and that is that I felt, quite rightly, when the Secretary received information that here was an individual who may have received large payments which might not have been reported, that we should check. We would have done this if it had been Steve Sachs, not because it came from the White House, it could have come from any other reputable source because IRS does not have the resources to do the job that needs to be done without help; this is one means you can find out fairly inexpensively. So, I think that was proper, to check.

Now, once we checked and found the returns had been filed, large amounts reported, audits made, deficiency paid, and the case was closed, that was all; that was the end of the row. So, I think my feeling right along was to—and I think to some extent, although he should speak for himself—the Secretary's was, we've done our job, now let's convince him that we have done it. And as I indicated, the Secretary said, "Bring Barth over and let's get rid of this thing once and for all", and the idea was, get it over with, get it off our back.

Mr. ARMSTRONG. And it was the Secretary's request that you brought Mr. Barth.

Mr. WALTERS. Yes.

Mr. ARMSTRONG. Were you aware of any role Mr. Barth played previously?

Mr. WALTERS. Nothing except for a few days just preceding this I had brought him up on the thing, brought him up to date so that when we did go, we reviewed it, we could get rid of it. I was not aware of any independent pursuit of this matter by Mr. Barth.

Mr. ARMSTRONG. Did you become subsequently aware of——

Mr. WALTERS. Not subsequently aware, questions have been asked by Mr. Jaworski that caused me to believe it.

Mr. ARMSTRONG. Did you ever become aware of any request other than from another investigative agency, any request by Mr. Barth in the Compliance Division for Mr. O'Brien's returns?

Mr. WALTERS. No.

Mr. ARMSTRONG. Now, was it your understanding when Secretary Shultz called you and Mr. Barth, requested you to come to his office, that it was already his intention to call Mr. Ehrlichman?

Mr. WALTERS. Oh, yes, I think that was why we did it.

Mr. ARMSTRONG. And did you get the impression that Mr. Ehrlichman had insisted on a conference call?

Mr. WALTERS. No. I thought it was the Secretary who was doing it so we could get rid of it.

Mr. ARMSTRONG. In the course of Mr. Ehrlichman indicating his disappointment, and saying he was tired of foot-dragging tactics, did he indicate what he considered any pattern in relation to other matters?

Mr. WALTERS. No, he didn't.

Mr. ARMSTRONG. And, did he specifically recommend any action that should be taken?

Mr. WALTERS. No.

Mr. ARMSTRONG. Did he direct any specific questions to determine if any specific actions had been taken?

Mr. WALTERS. No, not to my recollection.

Mr. ARMSTRONG. Did he seem generally familiar with——

Mr. WALTERS. No. Maybe he didn't have a chance because the conversation wasn't too lengthy. My recollection is that the Secretary, of course, hoped that by indicating we all worked on it, and talked about it; and IRS had done what it could. And I more or less then emphasized the fact that the returns had been filed, we had checked them, the deficiency had been paid, in 1 year a small deficiency; the cases were closed, and under our published policy and procedures we could not reopen the case unless there was some good reason; and that was simply all we could do, at which point things became a little bit offensive. I hung up the phone, got off the phone because I felt if I didn't I might say something I shouldn't.

I don't recall Mr. Ehrlichman giving any specific directions. In fact, my recollection of this whole thing was that was the end of the case. That offensive telephone conversation finished it, just as the Secretary and I thought it would.

Mr. ARMSTRONG. Before we go to the next activity of Mr. O'Brien, before we go to that, did the conversation, you recall, did the conversation continue after you——

Mr. WALTERS. My recollection was, it didn't continue very long, it might have been a minute; it wasn't very long.

Mr. ARMSTRONG. Go ahead, then.

Mr. WALTERS. But, as I said, my recollection was, that terminated the whole affair. However, other investigators have asked questions and have maybe indicated indirectly to me that there was at least one further step, and that is possibly within a few days. The date, again, is imprecise, but we speculated September 5, 1972, that I may have furnished the Secretary some figures, schedules that he could use in satisfying Mr. Ehrlichman that in fact the returns had been filed and reflected the amounts. I have no recollection of that, but I don't deny it; it's possible.

[The document referred to above was marked Walters exhibit No. 5*]

Mr. ARMSTRONG. Is that what you believe the exhibit 5 and exhibit 2 may refer to?

Mr. WALTERS. That's right. Now, to our best recollection, this is a handwritten note that I made on September 5, 1972, at 8:25 in the morning of a telephone conversation with Secretary Shultz. Now,

*See p. 11672.

while I have not seen it, I believe his log does indicate a call from him to me at that time, or roughly that time. And that the second item, "delivered figures to Shultz, and he will call Ehrlichman," that in all probability that did reflect to the O'Brien affair. I can not say flatly it does, but I would assume from all I have heard in recent weeks, that that is likely.

Mr. ARMSTRONG. Do you recall the nature of the figures, or schedules you were to furnish?

Mr. WALTERS. I can't, that may surprise you; but I would assume it indicated gross amounts reported, which would be the big amounts, indicated amounts which Hughes had paid would be included.

Mr. ARMSTRONG. In your conversation, the telephone conversation on August 29 with Mr. Ehrlichman, was Mr. Ehrlichman principally referring to the matter of the Hughes consulting fees that Mr. O'Brien received?

Mr. WALTERS. I don't recall any discussion on that aspect of it. I think it was mainly the other way, what we had done, and that we were at the end of the road; that was it. I don't recall any discussion——

Mr. SACHS. Do you recall any specifics from Mr. Ehrlichman at all?

Mr. WALTERS. No. I don't, except for one. I exploded.

Mr. ARMSTRONG. Did you ever have any specific indication that the matter Secretary Shultz had originally referred to you, indicating the White House felt there might be undisclosed income on Mr. O'Brien's part, did you subsequently learn it came from Mr. Ehrlichman; did you ever learn that the unreported income was a reference to Hughes money?

Mr. WALTERS. Well, first let me say this. I think that we concluded, if we ever suspected it, that it was not unreported income, it was reported; but because the large Hughes payments were reflected even in the sensitive case reports earlier, I don't know where the idea came from as to the origination of the payments. The Secretary and I might have talked about it. I don't know. I don't recall. But, it had been reflected earlier that large payments were from Hughes. So, I never distinguished, really, to that extent.

Mr. ARMSTRONG. Was this the only conversation you had with Mr. Ehrlichman on this subject?

Mr. WALTERS. It was.

Mr. ARMSTRONG. And I gather there was no discussion about Mr. Rebozo and Mr. Donald Nixon, not in the context of that conversation?

Mr. WALTERS. No; there was not.

Mr. ARMSTRONG. And do you recall if you ever discussed with Mr. Ehrlichman anything else related to the overall Hughes matter, Meier matter, Mr. Rebozo?

Mr. WALTERS. I did not.

Mr. ARMSTRONG. Do you recall if you at any time discussed with Attorney General Mitchell, either in his capacity as Attorney General, or after he became campaign manager, or subsequent to that, anything relating to the Hughes matter, the Meier case, Rebozo?

Mr. WALTERS. I don't think so, I don't recall ever discussing it with him. There was a slight hesitation when you said "Meier" because I forget just when this case originated; I don't think I discussed any of this stuff.

Mr. ARMSTRONG. Or with Mr. Kleindienst?

Mr. WALTERS. That's right.

Mr. ARMSTRONG. Now, do your diaries, or logs, or calendars reflect, or do you independently recall any request for an interview with Mr. Rebozo on or about September 27, 1972?

Mr. WALTERS. No. You mean any request IRS made to him?

Mr. ARMSTRONG. Any request that came up the ladder to you.

Mr. WALTERS. No; I don't recall that specifically. I know that IRS people in the field wanted to interview him, just when they advanced the idea I don't recall. But, it could have been that date as well as any other. I just don't have any pinpoint on that.

Mr. ARMSTRONG. Now, do you recall the next occasion when any action or anything came to your attention involving the Hughes case and the Meier case, and Mr. Rebozo?

Mr. WALTERS. Well, let me say that, I think the only way I can answer that question is indicating that the Hughes thing was just a great mass that kept flowing like Old Man River; and in all probability it was mentioned with some regularity from then on, as long as I was Commissioner. But, with one possible exception of one other investigation it was by far the largest investigation we had that was ongoing. So, I would have been alert to it and aware of it on a continuing basis.

Mr. ARMSTRONG. Both in the form of the sensitive case reports and the briefings which you made reference to earlier.

Mr. WALTERS. The status reports.

Mr. ARMSTRONG. The status reports?

Mr. WALTERS. Right.

Mr. ARMSTRONG. And do you recall if that would have been a matter you covered with any regularity with the Secretary, or the Deputy Secretary?

Mr. WALTERS. In all probability, each time I sat down with them to bring them up to date, to brief them, however you want to put it, I probably would have just mentioned it, without going into details because of its overall significance.

Mr. ARMSTRONG. Do you recall, during calendar year 1972, if anyone indicated to you that Rebozo's or Donald Nixon's case appeared to be closing, appeared to be moot, appeared not to be something you followed up?

Mr. WALTERS. No, I don't recall that.

Mr. SACHS. Did anyone suggest those interviews were off limits in any way?

Mr. ARMSTRONG. Well, did anyone suggest, coming up through the ranks, that it wouldn't be necessary to review Mr. Rebozo?

Mr. WALTERS. No, I think my recollection is the opposite. I knew our people wanted to interview him.

Mr. ARMSTRONG. Now, the next matter we should have, I gather, is February 22, 1973, your conversation with Deputy Secretary Simon.

Mr. WALTERS. Right.

Mr. ARMSTRONG. Can you tell us what you know about exhibit 5?

Mr. SACHS. You have handwritten notes as exhibit 6?

Mr. ARMSTRONG. Yes.

Mr. SACHS. And exhibit 5 was September 5; and exhibit 7 is the typewritten memorandum.

Mr. ARMSTRONG. Correct.

Mr. SACHS. Where is that?

Mr. ARMSTRONG. There is reference on page 3.

Mr. WALTERS. Oh, I'm sorry, I didn't go far enough.

Mr. ARMSTRONG. That's all right.

Mr. WALTERS. Well, in this session with Deputy Secretary Simon on February 22, 1973, I reviewed several things, some congressional relations; some department policies relating to personnel, and other things. And then I mentioned to him briefly some of the sensitive matters that were pending in IRS; and, as you will see in item 5, I mentioned the Howard Hughes case.

[The documents referred to above were marked Walters exhibits Nos. 6 and 7.*]

In that particular reference was indicated, first, that there had been some charges by Mahen, who had been connected with Hughes earlier, that either $50,000, or $100,000 had been conveyed to Rebozo in 1968 and 1970. And that the IRS people who were conducting that Hughes investigation felt there was a need to interview Mr. Rebozo to get the facts.

Also, I mentioned to him the fact that Donald Nixon had been mentioned several times in connection with various aspects of the Howard Hughes investigation; and I really insisted to the Deputy Secretary that IRS needed to, and wanted to go ahead and interview these people. And what we needed to do is let the White House know of this, securing their knowledge in advance so that we could conduct these interviews on a sound, professional basis.

Now, my recollection of the discussion is that Deputy Secretary Simon said that the Secretary would be seeing the President later that day; and my recollection is that he would be going to Camp David to be with the President. Mr. Simon suggested that I ought to get a memo over to him right away, so that it could be used as a talking paper in discussing that with the President.

Mr. ARMSTRONG. That was a memo to Secretary Shultz.

Mr. WALTERS. Right; for Secretary Shultz' use in discussing it with the President. I did go back to IRS right away and personally prepared the sensitive and confidential memo dated February 23, 1973. And, as I indicated earlier, I can't explain the difference between February 22, 1973, and February 23, 1973, unless it was a typographical slip.

Mr. ARMSTRONG. But it is your recollection the memo should have been dated February 22.

Mrs. WALTERS. That's my recollection.

Mr. SACHS. Unless you purposely dated it the next day, knowing he was going to be using it that day.

Mr. WALTERS. Steve, I just don't know why that happened.

Mr. ARMSTRONG. But it was prepared on February 22.

Mr. WALTERS. I think so. In any case, that was prepared in the vein that we ought to inform them that this is the situation, and that we plan to go ahead with it. There was no intention of asking for an approval to conduct the interviews. Had there been any such intention at that time, I would not have submitted the memorandum be-

*See pp. 11673, 11675.

cause at that time I was approaching the end of my career with the Government.

Mr. ARMSTRONG. Now, again the memorandum dated February 23, 1973, which is exhibit 7, it conveys the substance in perhaps more detail of your conversation with Secretary Simon.

Mr. SACHS. Secretary Shultz.

Mr. ARMSTRONG. No; the conversation on February 22 with Deputy Secretary Simon.

Mr. WALTERS. Yes; this would sum up the facts, and maybe give him a little more than I did orally; but this covers the subject on a basis that would allow the Secretary to discuss it intelligently with the President.

Mr. ARMSTRONG. Did you have any discussions directly with Secretary Shultz regarding this memorandum?

Mr. WALTERS. Not until afterward. Now, I had of course informed him earlier that we needed to interview these people; but I did not discuss that with him until afterward. As indicated by the notes on it, it was April 7 of 1973 that I discussed it specifically with him.

Mr. ARMSTRONG. Did you prepare this memorandum yourself?

Mr. WALTERS. I did.

Mr. ARMSTRONG. Did you make reference to other memorandums or some kind of backup documentation?

Mr. WALTERS. I probably did, although by this time I had a fairly independent knowledge about some of the things. You can see the only figures here are the figures $50,000 and $100,000, and the 175, the rest mainly refer to sums on those, or names that had been surfacing in the Hughes investigation. But, I very likely did look at some other documentation.

Mr. ARMSTRONG. On page 3 of the memorandum you indicate, you say in the middle of that paragraph,

> One difficulty with an investigation of this nature is that one cannot determine exactly where the investigation will lead. At this point, based on information we now have, I do not see the interview with Mr. Rebozo as leading to any action against him. Unfortunately, I cannot say that with the same degree of confidence in the case of Donald Nixon, because we simply do not have enough information to make that judgment at this time.

Can you tell us, based on what information, or what perception those statements are made?

Mr. WALTERS. Well, at the time that I prepared this memo IRS felt that it needed to interview Mr. Rebozo to verify information; they felt there would be no further need to investigate, or pursue Mr. Rebozo. However, and at that time we thought it quite unfortunate, the indications might be otherwise with respect to Donald Nixon, and that he very likely might be involved to some extent that would require IRS to pursue him further. We just did not have enough information to cause us to believe that IRS would need to pursue Mr. Rebozo; but we felt that we very likely might in the case of Mr. Nixon.

Mr. ARMSTRONG. Well, let me ask you, was it the perception of the agency, the Internal Revenue Service, that there was a high likelihood Mr. Rebozo had never received campaign funds?

Mr. WALTERS. Well, we weren't sure, that was one of the facts they wanted to determine.

Mr. ARMSTRONG. Well, had he received the campaign funds, would it not be likely that further action would be necessary?

Mr. WALTERS. Well, possibly, but it might be just to find out, you know, where they had gone; whereas in the case of the other individual at that time there was some suspicion as to the possible involvement in further tax matters.

Mr. ARMSTRONG. I note this memorandum does not make reference to statements which earlier sensitive case reports had reflected. Your notes of March 3, 1972, indicated Mr. Rebozo instructed Mr. Meier not to talk to IRS.

Mr. WALTERS. No.

Mr. ARMSTRONG. Do you recall the reason for that?

Mr. WALTERS. I do not. At that particular time I was mainly interested in laying the groundwork for a good interview, and just didn't go back and pick it up, even if it should have been included. I don't think it occurred to me, no reason.

Mr. ARMSTRONG. Do you have any recollection that charge has ever been dropped, or ever been resolved?

Mr. WALTERS. No.

Mr. ARMSTRONG. It certainly hasn't been resolved at the time of Mr. Rebozo's interview.

Mr. WALTERS. Right. They were not sure, that was one of the things they were questioning.

Ms. DEORIO. It's not clear to me when you had knowledge about Mr. Rebozo having received the $100,000; when did this come to your attention?

Mr. WALTERS. As I indicated earlier, I can't pinpoint that, but it would have been in summer of 1972; in summer or late spring.

Ms. DEORIO. Now, that is the same time the information came to you about Rebozo concerning Meier——

Mr. WALTERS. Right.

Ms. DEORIO [continuing]. And Meier's relationship with the IRS, or is that prior to that?

Mr. WALTERS. No. I don't know how to place this.

Mr. SACHS. Well, now, at least by March 3, 1972, the allegation that Rebozo advised Nixon to be unavailable had come to Mr. Walter's attention.

Mr. ARMSTRONG. You mean Meier.

Ms. DEORIO. You said Nixon.

Mr. SACHS. For Meier to be unavailable.

Mr. ARMSTRONG. Do you recall what next you heard of this matter, or the next——

Mr. WALTERS. You mean after writing the memo?

Mr. ARMSTRONG. Yes, sir.

Mr. WALTERS. Needless to say, it didn't come back right away; and my recollection is that after a due period of time, and how long that would be I don't know, I checked, and it had not been disposed of, my getting what I was seeking; and at some point I spoke with Mr. Simon. I spoke with him, and presumably it was sometime——

Mr. SACHS. Exhibit 8.

Mr. WALTERS. March 8, again, item No. 4, spoke with him and said we needed to get going on these interviews—this is almost illegible,

but, "Bill Simon to check." But, in any case, I pursued it, you see, that was in March; and of course by that time I had submitted my resignation to leave at the end of April. And I got the word back—I pursued it until I got the word back on April 7.

Mr. ARMSTRONG. Now, the March 8, 1972 memorandum, item 4, it's extremely illegible; perhaps we can check this with Mr. Jaworski's office.

Mr. WALTERS. I think in all probability what is says, Rebozo, or "Bebe and DN," and then "BS to," and I would assume "check with the Secretary."

[The document referred to above was marked Walters exhibit No. 8.*]

Mr. ARMSTRONG. So, it's your recollection that between February 22 and March 8 you had not had any response.

Mr. WALTERS. I had not gotten an answer. I think in all probability I might have followed it once or twice, not often because it's not the kind of thing you would follow every day. But, I did follow it until we got the answer we wanted, and then we moved forward.

Mr. ARMSTRONG. Now, the answer you wanted—the answer is indicated on page 2 of exhibit 7 in the form of—what we have is a copy of a card that was attached to the original page 3.

Mr. WALTERS. Right.

Mr. ARMSTRONG. And on the left-hand side is Secretary Shultz; and can you indicate to us what that says?

Mr. WALTERS. It indicates that we should go ahead with the interviews with Bebe and Don Nixon; and "keep Don Alexander informed so no gaps when JMW goes." By that time I had resigned and was serving out the rest of my time, then less than a month. And the Secretary said, "Go ahead, but just keep your successor informed."

Mr. ARMSTRONG. And did you—excuse me, go ahead?

Mr. WALTERS. And as I said, a month later the note indicated that I then informed the Assistant Commissioner of Compliance, John Hanlon, to go ahead and have the interviews and move forward, as the IRS people were prepared to do.

Mr. ARMSTRONG. And that was April 9?

Mr. WALTERS. That was April 9. And then, at my request, Roger Barth informed Rebozo by telephone that IRS would be contacting him for an interview. And Mr. Barth informed me that John Ehrlichman either had informed, or would inform Donald Nixon that IRS would be contacting him.

Mr. ARMSTRONG. That was on April 12?

Mr. WALTERS. I can't make out from this whether it's April 12, or what; but this looks like April 12, and it was about that time. The purpose of contacting these people, as I indicated earlier informally, was so that they would know, when our agents contacted them, that the White House was aware of it that we were going to conduct these interviews. I don't know whether either one of them would have called the White House, or come to the White House to try to impede in any way the interviews; but we thought it would be sound business for them to know in advance that we were coming. There was absolutely no

*See p. 11679.

intention, or no anticipation of tipping them off in any way about the interview. It is my understanding that interviews were conducted and followed through to a conclusion in both cases, and without any impediment on the part of anybody.

Mr. ARMSTRONG. And do you recall what, if any, role Mr. Barth played in relationship to the scheduling of these interviews with Mr. Rebozo and Mr. Donald Nixon?

Mr. WALTERS. No. I don't know more than is reflected here, that Mr. Barth, as requested by me, did inform Mr. Rebozo. How he did that, whether he did it through an attorney, I do not know.

Mr. ARMSTRONG. And was that at anyone else's request?

Mr. WALTERS. That I can't say, either.

Mr. ARMSTRONG. It was your instruction to Mr. Barth to notify Mr. Rebozo, based on the instructions that you received?

Mr. WALTERS. No, it was not.

Mr. ARMSTRONG. And do you recall if Mr. Barth indicated in what capacity he consulted with Mr. Ehrlichman, and why Mr. Ehrlichman informed Donald Nixon?

Mr. WALTERS. No. I did not discuss that with him. I assume that at that time it would have been the natural thing for Mr. Ehrlichman to contact Mr. Nixon.

Mr. ARMSTRONG. And had Secretary Shultz indicated to you at any time, with whom he had checked in the White House?

Mr. WALTERS. No; he did not.

Mr. ARMSTRONG. Did he indicate at any time the President was aware of the request?

Mr. WALTERS. No.

Mr. ARMSTRONG. And did Mr. Barth indicate the President was aware of the request?

Mr. WALTERS. No; he did not.

Mr. ARMSTRONG. Now, do you recall any activity subsequent to April 12, 1973, related to this matter?

Mr. WALTERS. No, except of course what I have since read in the newspapers, information which led me to believe that IRS followed through with respect to Mr. Rebozo. And of course, I have not been privy to IRS activities since April 30, 1973.

Mr. ARMSTRONG. Did you brief Mr. Alexander prior to, or at the time he became Commissioner, regarding the history and facts of this case?

Mr. WALTERS. I probably did. Mr. Alexander came in 3 or 4 weeks before he took over; and I tried to give him some overview of IRS, what it was doing; the kinds of things he could expect; and the kinds of things that were pending, that might be considered very sensitive. So, while I have no specific recollection of discussing this in detail with him, in all likelihood I did mention it, particularly since the Secretary asked me to.

Mr. SACHS. How much longer are we going to go?

[Discussion off the record.]

Mr. ARMSTRONG. Back on the record. Did Secretary Shultz or anyone else indicate to you that your memorandum had been delivered to the President, to be shared with anyone else?

Mr. WALTERS. No; he did not.

Mr. ARMSTRONG. Do you recall around March of 1973, any reopening of the matter involving Mr. O'Brien, or to put on anything else about Mr. O'Brien?

Mr. WALTERS. Yes, I have; and I can't give you the details because this was happening about the time I left, I believe. That is my understanding, anyway. I think that matter came up again, because of items in Mr. O'Brien's return; and items in the return of who had been a partner, I think, in a stockbroker's business in New York, and involved some loss deductions being treated differently by Mr. O'Brien and by the man, I believe, in Boston.

With those two returns being in the same region, it's my general recollection that when it came out of the Boston office in a routine manner, that it was coordinated in the region and of course showed up here as one taxpayer treating it one way, and here is another, treating it another way. And, there was some talk about reopening Mr. O'Brien's returns, I do not know whether they ever reopened them, or what happened; but I know that was on the horizon.

Mr. ARMSTRONG. And did you have any conversation with Mr. Ehrlichman and Secretary Shultz about that?

Mr. WALTERS. No; I did not.

Mr. ARMSTRONG. Was there any discussion about whether there was any impropriety, or apparent impropriety about Mr. O'Brien in these matters?

Mr. WALTERS. I don't recall. But, let me say this, I was not involved personally in any of that; I was about to leave about then, I think, or maybe I was leaving. But I am sure that IRS would be very careful and precise in re-opening because of published policy with respect to reopening closed years. However, under the published policy, if they found a situation such as I described, where substantial items were treated one way by one taxpayer and IRS, and another way by another taxpayer and IRS, there would be grounds for reopening. Now, whether or not they did, I don't know.

Mr. ARMSTRONG. Have you ever had any conversation with the President regarding the Hughes case, the Meier case, Mr. Rebozo, F. Donald Nixon, or Mr. O'Brien?

Mr. WALTERS. No, sir. You would be surprised how little conversation I ever had with the gentleman.

Mr. ARMSTRONG. Did you ever have any conversation with him regarding any substantive cases?

Mr. WALTERS. I did not.

Mr. ARMSTRONG. And did you, after Secretary Connally left as Secretary of the Treasury, did you ever have any conversations with him?

Mr. WALTERS. I think I had possibly just one phone call, just social, but I don't even know that I had that one. But I think I had one telephone conversation.

Mr. ARMSTRONG. And would any of those matters have come up?

Mr. WALTERS. No.

Mr. ARMSTRONG. And do you have any recollection of ever discussing this with Mr. Mitchell and Mr. Kleindienst at any time?

Mr. WALTERS. I did not.

Mr. ARMSTRONG. And have you ever discussed that matter with Mr. Gemmill?

Mr. WALTERS. No, I have not; of that I'm positive.

Mr. ARMSTRONG. Off the record for a second.

[Discussion off the record.]

Ms. DEORED. Since you were not asking for approval, but were merely informing Secretary Shultz that the IRS wanted to interview them, why did you have to wait for Secretary Shultz to come back with an answer?

Mr. WALTERS. Well, we could have gone ahead, we could have gone ahead even without informing the Secretary or anybody else that we were going to do it, but had we done that, what I feared, that right away possibly, and I emphasize possibly, these people might have been on the telephone right away, saying "What do we do, IRS is in here harassing us"; and I didn't want that to occur. I wanted those people to know, I wanted first the Secretary to know, and the President to know that we were going to interview them; and then I wanted those people to know that the President and the Secretary knew it. So, when our agents went in there would be no question that they were going to conduct an interview.

Ms. DEORED. And did you have any understanding of why the month lag between February 22 and April 7?

Mr. WALTERS. No; I did not. Of course it can be explained many ways, and one way of course, as you and I know, the President is extremely busy; the Secretary is extremely busy and they might just not have gotten around to it. And I did not feel that I could press that kind of an item when they had so many other things they were concerned with, wage and price stabilization, the whole batch. But, I never had any suggestion from the Secretary or anybody we should not do it, it was just a matter of timing and doing it properly.

Mr. ARMSTRONG. One question which has just come up currently in our inquiries, the fact that the Internal Revenue Service interviewed Mr. Danner in May of 1972, when he revealed that he had given money to Mr. Rebozo; and in 1973 the interview took place. If I understand it correctly it is your explanation that no interviews took place from November of 1972 as a result of the internal policy?

Mr. WALTERS. It was really my decision, you could say. Now, I don't mean specifically on this case, but my policy, a policy that I initiated; and that was to avoid political criticism from either side.

Mr. ARMSTRONG. Now, first of all, in this case Mr. Rebozo was not—I don't believe he was a campaign official.

Mr. WALTERS. No.

Mr. ARMSTRONG. Was it based on his relationship to the President?

Mr. WALTERS. Right.

Mr. ARMSTRONG. And was that a borderline, or was there anything in particular in the initial discussion——

Mr. WALTERS. No, there was not; but when you have a person that's obviously that close to the President you know it's going to be very sensitive. There was no articulation about it, it was just when you have the President's brother involved, too, it just becomes very sensitive.

Mr. ARMSTRONG. And there was a case proceeding during the same period which was Dr. Ryland, was it not?

Mr. WALTERS. Yes.

Mr. ARMSTRONG. Now, that case, I gather, did continue.

Mr. WALTERS. That case continued, it did; but there is a difference because except for the fact that Dr. Ryland accompanied the President to China and to Russia, there was no real need to connect up the two except when it got to court, and we didn't know whether it would get to trial, to the court. Now, that was pursued, and in that investigation we had to interview people at the White House, and we did that; and there was cooperation, there was no effort made to stop us, at least none that I know of.

Mr. ARMSTRONG. But the distinction there was the case started at a prior date, and it was active.

Mr. WALTERS. See, that was already——

Mr. SACHS. There is also a distinction, I suggest there is also a distinction of the person involved.

Mr. WALTERS. Well, that's what I suggested.

Mr. SACHS. A party can make political capital out of the fact that it is the President's brother, or best friend that is in trouble, much more so than out of the fact it is the President's doctor who hasn't paid income tax.

Mr. WALTERS. But also, that was earlier and it was further along.

Mr. ARMSTRONG. Well, were there any other cases that fell under this category of politically sensitive matters that were deferred?

Mr. WALTERS. There may——

Mr. ARMSTRONG. If there are, why don't we get the names off the record?

Mr. WALTERS. I'm not going to give you names because I don't recall names. There may be, but I don't recall them specifically. But, I couldn't say that there weren't because they might have been handled strictly in accord with policy, without my ever knowing it. I didn't know about a lot of cases, as you can imagine.

Mr. ARMSTRONG. Was there any differentiation between civil and criminal matters in the Government's policy?

Mr. WALTERS. I never thought of it that way. I think we were thinking primarily of criminal matters because they are the ones that make big splashes.

Mr. ARMSTRONG. And from the time of the election until February 22, 1973, is there an explicit explanation for why the interviews didn't take place during that period of time?

Mr. WALTERS. Not explicit, no; except, quite frankly, if you remember the election and the things that happened after the election didn't make for speed in getting things done, everybody resigning. And there was no effort made by IRS, anybody in IRS the best I recall it, to delay it. It was really just a matter of having a whole lot of things to do.

Mr. ARMSTRONG. OK.

Mr. WALTERS. And there was no thought of dropping it, as indicated by this memo, what happened, at least, if there was any thought of ever dropping it, I didn't know about it.

Mr. ARMSTRONG. Off the record a second.

[Discussion off the record.]

Mr. ARMSTRONG. Can you tell us, is there any connection, Mr. Walters, between your departure from the Internal Revenue Service, and this matter of any pressures from the White House?

Mr. WALTERS. No, I don't think so. There were speculations, of course, that I would be fired after the election; and like other Presidential appointees, I submitted my resignation the day after the election; it was not picked up. I later had to resubmit it in a much more substantive form. I received back from the President a very nice letter. So, I don't think I was fired. I might have been, had it not been known that I was planning to leave.

Initially, I had been planning to leave in the summer or fall of 1972—excuse me, 1971—but after I shifted from the Department of Justice to IRS, I realized full well that in a responsible way I should remain for the first term of the President; and so, I was planning to leave in January of 1973.

Now, both Secretary Connally and Secretary Shultz knew this; and Secretary Shultz stated to me that he hoped I would stay on, but he knew full well the need for me to re-enter the private sector, because of the need to make some money to educate our four children, and asked me to stay until they could find someone to take my place.

I hoped to leave in January 1973, but ultimately stayed until April 30, 1973, by which time they had identified Don Alexander as a nominee to take the post. While he was not confirmed by April 30, he was shortly thereafter. And I did leave at the close of business on April 30, 1973.

Mr. ARMSTRONG. Thank you very much. We will close this interview now, and if we have any further questions we will get in contact.

Mr. SACHS. Fine.

[By agreement between counsel there were three more exhibits entered into the record for future identification. They were marked Walters exhibits Nos. 9, 10, and 11*]

[Whereupon, at 3:45 p.m. the committee recessed, subject to the call of the Chair.]

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*See pp. 11680, 11684, and 11717.

WALTERS EXHIBIT NO. 1

Notes for Briefing Secretary
3-3-72

3-3-72

(1) Personnel

(a) [redacted] — 3/1/72 advertise - UVa, UM, AICPA, TEI, ABA Tx Sctn; mid-April completion Dick Stakem acting 3/17-.

OK

(b) Deputy [redacted] 3/19/72 effective date, 3/15/72 departure

OK

(c) [redacted] IRS OK

OK

Gen + Fee
Actual receipts
$1.2 B on
official est

(2) Tax Administration — General

(a) 1971 Returns — Refunds — 3/24/72
up little — up little $2.4 B

Good

(b) Progress — sense of urgency + greater sensitivity

(c)

[illegible]

(3) Stabilization

(a) Reasonably well // Columbus Ga Bankers - merchants are trying to comply!

(b) Still problems of policy nature
Price Comm - Gen'l Cnsl - Regs

(c) [redacted] request - McLain - CW - JMW +
CW: No to agents when determine approach

Exceptions, etc
Agreed.

CW - JBC - DR - Mayson - Adlt

(d) Question: [redacted]
[redacted]
[redacted]

Agreed

Position: Yes, Essential. Further, to rule otherwise would make folly out of President's view that we don't want to build up bureaucracy!

(4) Miscellaneous

(a) [redacted] — 2/7/72 Memo
Understand [redacted] also trying (Rev. Nimmer)
Nimmer: Nobility (Dan Parker) possibly appropriate [illegible] (Bill Sippard)

(b) Viet Kam — FTAS — 1971 Report
Favorable: considerable progress

Do it need to be judicious

(c) [redacted] — Possibly merge some small districts into nearby one (Key Districts) + Centralized Supervision (Review Chiefs)

(5) Sensitive Cases — General [redacted]

Insert (A) — Flo [illegible]

(X) Long

(a) John H [redacted] Case — Donald Nixon
Mining Claims in Nevada
[redacted] + Advised Nixon to make himself unavailable relative to Hughes Tool Co. acquisition of claims
[redacted]

(#) Spec Agent Received 3/1/72

(b) Cong. [redacted] (D-NJ) — DJ/TD
[redacted] Referred to USA (Newark) for prosecution (Tax Pen - $455,000)

(c) Cong. Maria [redacted] (D NY) — 2/25/72

(9)

Senator Ed Kennedy

IRS issued [redacted] permit Rexamine 1967 return. Did not report [redacted] — He previously admitted to USA that he [redacted] his accountant to report it on his daughter's return.

(d) Herbert A. [redacted] — Attorney Prominent German-American [redacted] may be [redacted] for Cuban [redacted]

Coll Dean 3/6/72

IRS preliminary investigation re [redacted] — omitting $744,000 foreign claimed

(e) [redacted] Voting Machine Co

Coll Mitchell Nyong 3/6/72

— [redacted] — Republ Nat'l Cmtee Member, said to be first name basis with President — [redacted] Comptroller.

— possible nationwide result — kickbacks to state local officials

(5)

[illegible] Tax Payment
[illegible]

— Grand jury in Phila — [illegible], President of Sharp — plead — 1 yr sentence — immunity to testify fully as to kickbacks.

(f) [illegible] King — Denver — Allegedly a close friend of the President — [illegible] 1968 [illegible] other [illegible] investigation

Call Mitchell [illegible] 3/1/72

(g) Watch [illegible] — 4 Years substantial amounts from Gov. R & Pres. N.
NB: Accompanied President to [illegible]

(h) OK [illegible] — [illegible] — IRS evidence

Perjury

SEALED not public [illegible]

(i) [illegible] — [illegible] brother of Cong. [illegible] (D - Ill.)
3/1/72 — [illegible]
Expect to [illegible] [illegible] ([illegible])

(6)

(5) Sensitive — Texas / SW Reg

(a) ~~[illegible]~~ (R)

(b) ~~[illegible]~~ re Moss Estate

Nolan's review
IRS's review

Headed for Tax Court

Q: Our people feel we shld proceed. Any reason why not? No — Proceed

(c) ~~[illegible]~~ — Howard — Tool

BC — Just be sure IRS people act properly! — Team (Texas, Nevada, Calif)

— Intelligence Investigation — Nevada

— Civil — Substantial ## — [illegible]

(7)

- Coordinating – My conclude less than 18 mos.
NB: Hughes Tool cooperating
Q: Is HH [illegible]?

(d) Eunice Powell Supt Benavides Ind Sch Dist, +
Bryan Taylor " San Diego Ind Sch Dist

– Question as to whether they received substantial amounts from in 66-68 from Carl H. Stoutz, construction contractor.

(d1) Marcello – Proposed purchase for [illegible] of La. swampland – Fed gov't may use. [illegible] investigating possible corruption.

(e) [illegible] – One "James Kell Zullinger" – President of [illegible] Crime Crusade + Inspector General of Scottish Rite & Tax – consulted potential funds [illegible]

(f) [illegible] Barnes [illegible] Cowan

NB: [illegible]

Re: Banking + Ins Violation Possible
DJ: 10/28/71 – DJ request info + return
11/1/71 – authorized
11/8/71 – IRS Fgts met with DJ: RVFF
2/29/71 – RVFF meeting for Mon 3/7/72

(8)

(g) Southwest Project
— 2/15/72 — Conference in Dallas
— 2/16/72 Memo from RC Brishin

Left copy Brishin's 2/15 & 2/16 memos

re "~~a fixed project in the political corruption area~~"

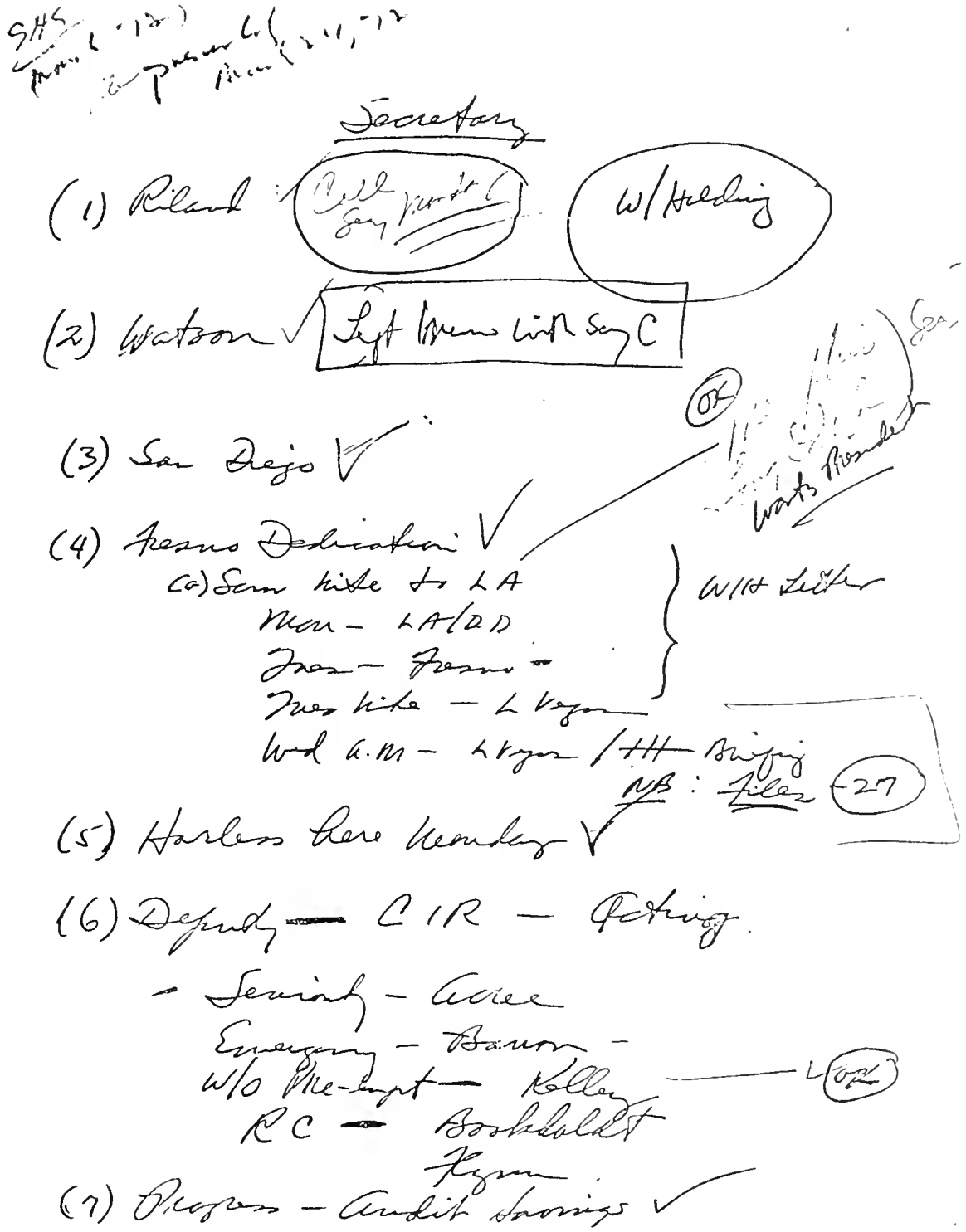
— 2/22/72 — Telecon with RC Brishin
— 2/28/72 — " with Brishin & Phinney

☆ NB: 2/15/72 Conference Memo

Brishin: NO felt that because of 2 districts in Texas - lack of coordination

Secretary thinks we should follow closely. No fishing expeditions

WALTERS EXHIBIT NO. 2



WALTERS EXHIBIT NO. 3

Shultz 72

Secy Shultz 8/25/72

(1) Sensitive Matters
(a) Smith ✓
(b) +++ : Meir – DN – ET – AL ✓
(c) LO ✓
(d) Col Western (CW-Klein) +

(2) Arkansas Governor Invitation – Decline

(3) ~~[illegible]~~ No

(4) Lost Office Appeir – Ron Burkes

(5) Sean Kobuck – Sgt [illegible]) ✓

(6) Form 1043A/Press Media
Hold down!

WALTERS EXHIBIT NO. 4

HOUSE OF REPRESENTATIVES
OF THE UNITED STATES
COMMITTEE ON THE JUDICIARY

DISTRICT OF COLUMBIA) ss:

A F F I D A V I T

JOHNNIE M. WALTERS, being duly sworn, deposes and says:

1. This statement is made upon my best recollection of the facts as they occurred, without my having had the benefit of reference to files and other materials in the possession of the Internal Revenue Service (IRS) which might permit a more precise statement.

2. I served as Commissioner of Internal Revenue from August 6, 1971 through April 30, 1973.

3. Beginning late in 1971 or early in 1972 the IRS began an intensive investigation of the Howard Hughes organizations and operations. During the course of that investigation, IRS learned that some fairly substantial amounts of money had been paid by the Hughes organization to Lawrence O'Brien and his associates. Sensitive case reports with respect to the Hughes investigation reflected the O'Brien payments. (Sensitive case reports are sent to

the Commissioner from the field each month to keep him and the Secretary of the Treasury advised of IRS investigations or proceedings relating to prominent persons or sensitive matters.) A Special Assistant to the Commissioner (during my tenure as Commissioner, Roger Barth) regularly delivered to the Secretary of the Treasury the monthly sensitive case reports.

4. During the summer of 1972, Secretary Shultz informed me that someone in the White House (subsequently identified as John Ehrlichman) had information that Mr. O'Brien had received large amounts of income which might not have been reported properly. The Secretary asked whether IRS could check on the matter, and I advised that IRS could.

5. I thereupon requested Assistant Commissioner Hanlon (Compliance) to determine whether Mr. O'Brien had filed returns which reflected substantial amounts of income. After a few days, he reported orally that Mr. O'Brien had filed returns which reported large amounts of income during the preceding years, that IRS had examined the returns for 1970 and 1971, that Mr. O'Brien had paid a small deficiency for one year, and that the examinations were closed. I reported this to Secretary Shultz.

6. Thereafter, from Secretary Shultz I learned that Mr. Ehrlichman was not satisfied with the report on the status of Mr. O'Brien's returns. I informed Secretary Shultz that Mr. O'Brien would be interviewed in connection with the Hughes investigation. I do not recall specifically whether scheduling of the interview of Mr. O'Brien originated in the Field investigation independently of Secretary Shultz's inquiries or as a result of Secretary Shultz's inquiries, but, in any case, IRS needed the interview and would have scheduled it. During 1972, however, it was IRS policy to postpone investigations involving sensitive cases, to the extent possible without loss of position or revenue, until after the election. In line with that policy, IRS probably would not have interviewed Mr. O'Brien prior to the election; however, because of the indicated inquiries, IRS did interview Mr. O'Brien during the summer of 1972.

7. To the best of my recollection, the IRS field personnel had some difficulty in scheduling an interview with Mr. O'Brien and at one point they agreed to interview his son instead (who had informed the IRS agents that he had information about his father's financial matters). Before that interview took place, however, I was informed

by Secretary Shultz that Mr. Ehrlichman thought IRS should interview Mr. O'Brien, not his son. I agreed with that and directed that IRS interview Mr. O'Brien rather than his son. I do not know how Mr. Ehrlichman learned of some of the details of which he had knowledge.

8. IRS interviewed Mr. O'Brien on or about August 17, 1972. Mr. O'Brien was cooperative although the interview was limited timewise, and Mr. O'Brien suggested that any further interview be postponed until after the election. My recollection is that IRS furnished a copy of the Conference Report to Secretary Shultz. A short time thereafter, Secretary Shultz informed me that Mr. Ehrlichman was not satisfied and that he needed further information about the matter. I advised the Secretary that IRS had checked the filing of returns and the examination status of those returns (closed) and that there was nothing else IRS could do.

9. On or about August 29, 1972, at the request of Secretary Shultz, I went to his office with Roger Barth so that we could conclude review of the O'Brien matter and dispose of it. Secretary Shultz, Mr. Barth and I discussed the matter and agreed that IRS could do no more. We then jointly telephoned Mr. Ehrlichman. Secretary Shultz

informed Mr. Ehrlichman of that; I stated that IRS had verified that Mr. O'Brien had filed returns, that those returns reflected large amounts of income, that IRS already had examined and closed the returns, and that we (Shultz, Walters and Barth) all agreed that there was nothing further for IRS to do. Mr. Ehrlichman indicated disappointment, and said to me "I'm goddamn tired of your foot dragging tactics." I was offended and very upset but decided to make no response to that statement. Following the telephone conversation, I told Secretary Shultz that he could have my job any time he wanted it.

10. The meeting with the Secretary and telephone conversation with Mr. Ehrlichman stand out in my recollections as the final incidents in the O'Brien matter, however, in concluding the matter, I may have furnished some data with respect to Mr. O'Brien's returns to Secretary Shultz shortly after (5 or 6 days) that encounter (some questions posed seem to indicate this).

Johnnie M. Walters

Johnnie M. Walters

Sworn to before me this 10th day of June, 1974.

Vicki F. Henderson

Notary Public

My Commission expires May 14 1979

WALTERS EXHIBIT NO. 5

Secy. Shultz 8 25/a 9-5-72

(1) Concentrate on 75 Budget
Compare - Existing Charges
(2) Deliver figures to Shultz
& he will call J. Erlichman

(3) Known Oliver list does not see
any special obligation.

WALTERS EXHIBIT NO. 6

Dep Secy Simon 8 30 a 2/22/73 file

(1) Montoya Hearings 2/27 – 3/1/73
(a) Simon 2/27 NO Kuldge
Harless 2/27
(b) Walters 3/1

JAW
Get IRS
News

(2) Travel Instruction for T.D. ?

(3) IRS Personnel

(a) CIR – [illegible]

(b) Vermont DD

NB: TD to submit superpode priority list to CSC. Now IRS should be consulted

Senators
1 Sullivan ②
2 [illegible] ①
3 Mozell no

GS-15

(c) A/C (P&R)
Amazing Cabey – Expires 2/27/73
– No explosion
– [illegible] does not [illegible]

(d) A/C (Admin) – Joe Davis detail Monday.

Sensitive Matters

(1) SW Project / Copies of JFH memo

(2) Montoya Ted + Senator State Sen ✓ Copies of DD's memo

(3) NC Cases - pol contrib (OK)

(4) Automation of Spec Service Files + (OK)

(5) H. Hughes Case

(a) Makeup: $50,000 $1,000 to Rebozo in 1968 + 1970
need to interview Rebozo to get fax

(b) Donald Nixon - Memo delivered to Simon by JMW at about 11:30 a 2/22/73 g

(6) Bombs misbehaving (OK) Get names

Misc

(1) Spare $$ to mitigate $23 mx proj act absorption - ✓

(2) Idea of the week - Kept it.

(3) New TD - P/O / IRS help ✓

(4) IRS papers. Kept to read: Good (PPW & JFH mid year)

WALTERS EXHIBIT NO. 7

SENSITIVE AND CONFIDENTIAL February 23, 1973

MEMORANDUM FOR: SECRETARY SHULTZ

From: Johnnie M. Walters, Commissioner
Internal Revenue Service

Subject: IRS Investigation Involving Howard Hughes Interests and Asscciates

In the development of the IRS investigation involving the Howard Hughes interests and associates, our field investigative team has concluded that there is a need to interview Mr. Charles "Bebe" Rebozo and Mr. Donald Nixon. I am convinced that it would be advisable to authorize these interviews. However, in view of the sensitivity, I shall not authorize the interviews until you and I have an opportunity to discuss the subject.

The team needs to interview Mr. Rebozo in an effort to determine facts. Richard Danner, Managing Director of the Frontier Hotel and Casino in Las Vegas, has testified that he and Robert Maheu, formerly a close associate of Howard Hughes, each delivered $50,000 in currency to Mr. Rebozo in the summer of 1970 for contributions to the campaign of Republican Senatorial candidates. Through his attorney, Mr. Maheu has alleged that Richard Danner had delivered $50,000 to Mr. Rebozo in December 1968 for the 1968 campaign of President Nixon. Maheu's son Peter has alleged that the amount was $100,000 delivered to Mr. Rebozo in 1968. Danner has denied receiving any money for delivery to Mr. Rebozo other than $50,000 he delivered in 1970. There is evidence that Maheu took $50,000 in currency from the Sands Hotel Casino cashier on December 5, 1968, part of $175,000 he received in currency which did not go through known bank accounts or records.

	Initiator	Reviewer	Reviewer	Reviewer	Reviewer	
Surname	Walters					
Initials						

Form OS-3129
Department of Treasury

The IRS investigative team needs to interview Mr. Rebozo with respect to these monies in order to document the case against Maheu. The IRS investigative team is informed that Intertel, a private investigative organization which has been working for the Hughes organization, has interviewed Mr. Rebozo and that he denied receiving any money from Danner or Maheu in 1968.

During the development of the investigation involving the Hughes organization, the name of Donald Nixon has arisen several times in connection with activities and transactions involving some of the Hughes associates (Clarence Hall, Eldon Cleveland, John Meier and others). There has been some public notice (possibly unfounded) of financial dealings between the Hughes organization and Donald Nixon (for instance, a $200,000 loan in 1956). In addition, in the course of the investigation, there have been indications of possible involvements of Donald Nixon which our investigative team feels it must check. The team needs to interview Donald Nixon with respect to:

(1) Any knowledge of any financial transactions and investments made by Clarence Hall, Eldon Cleveland, John Meier, and Anthony Hatsis during the years 1968-71;

(2) Any knowledge of the sale of mining claims to the Hughes Tool Company during the years 1968, 1969 and 1970;

(3) Any financial transactions he may have had with John Meier, Anthony Hatsis, Eldon Cleveland or Clarence Hall during the years 1968, 1969 or 1970; and

(4) Any work performed for or money received from any of the foregoing individuals or companies owned or controlled by them during the years 1968, 1969 and 1970.

The subject investigation has been underway for many months. In my opinion it would be advisable to proceed in a sound way to complete the investigation so that we can determine the facts in order to make sound judgments as to what actions are to be taken. One difficulty with an investigation of this nature is that one cannot determine exactly where the investigation will lead. At this point, based on information we now have, I do not see the interview with Mr. Rebozo as leading to any action against him. Unfortunately, I cannot say that with the same degree of confidence in the case of Donald Nixon, because we simply do not have enough information to make that judgment at this time.

FRIDAY - April 6

9:00 - Treasury

WALTERS EXHIBIT NO. 8

Full Session 10 [illegible] 3-8-73

(1) Dinner - Sat at 6 [illegible]

(2) Vermont D/P — C. Gulfolph

(a) Original Del — O.K.

(b) Media -

(i) Big deal —

(ii) Wash, D.C.

(iii) NYC — Reg Comm

(iv) Vermont — Swear In — Normal

(3) JMW

If when Secy is out of Country - Try handle appropriately

(5) Hypergolics — Civil Service

WALTERS EXHIBIT NO. 9

HOUSE OF REPRESENTATIVES
OF THE UNITED STATES
COMMITTEE ON THE JUDICIARY

AFFIDAVIT

DISTRICT OF COLUMBIA) ss:

JOHNNIE M. WALTERS, being first duly sworn, deposes and says:

1. I served as Commissioner of Internal Revenue from August 6, 1971, through April 30, 1973.

2. On September 11, 1972, I met with John W. Dean, III, pursuant to his request, in his office at the Old Executive Office Building. At that meeting he gave me a list of names, and requested that IRS undertake examinations or investigations of the people named on the list. The list appeared to contain names of persons on the 1972 Presidential campaign staff of Senator George McGovern and of contributors to that campaign.

3. Mr. Dean stated that he had been directed to give the list to me. It was my impression at the time of the September 11, 1972 meeting that John D. Ehrlichman was the one who had given Mr. Dean his directions, but I do not recollect on what my impression was based.

Mr. Dean stated that he had not been asked by the President to have this done and that he did not know whether the President had asked that any of this activity be undertaken. Mr. Dean expressed the hope that the IRS could do this in such a manner that would "not cause ripples." He indicated that he was not yet under pressure with respect to this matter.

4. I advised Mr. Dean that compliance with the request would be disastrous for the IRS and for the Administration and would make the Watergate affair look like a "Sunday school picnic." I asked whether he had discussed the matter with Secretary Shultz, and he said no. I advised him that I would discuss the matter with Secretary Shultz, and that I would recommend to Secretary Shultz that we do nothing on the request.

5. On September 13, 1972, at the earliest opportunity, I discussed the matter with Secretary Shultz, showed him the list, and advised him that I believed that we should not comply with Mr. Dean's request. Mr. Shultz looked briefly at the list, and said do nothing with respect to it. I placed the list in a sealed envelope and placed it in my office safe. I believe I may have

informed Mr. Dean of the decision, but do not specifically recall doing so.

6. On or about September 25, 1972, I received a telephone call from Mr. Dean. He inquired as to what progress I had made with respect to the list. I told him that no progress had been made. He asked if it might be possible to develop information on fifty-sixty-seventy of the names. I again told him that, although I would reconsider the matter with Secretary Shultz, any activity of this type would be inviting disaster.

7. Thereafter, on or about September 29, 1972 and again at the earliest opportunity, I discussed the matter again with Secretary Shultz. We again agreed that nothing would be done with respect to the list. I have no recollection of any further discussions about the matter during my tenure as IRS Commissioner, except the possibility of mentioning (without showing) it to the present Commissioner, Donald C. Alexander, as he was in the process of being named Commissioner.

8. At no time did I furnish any name or names from the list to anyone, nor did I request any IRS employee or official to take any action with respect to the list.

9. I removed the list from the safe when I left IRS and thereafter personally kept it in the sealed envelope and locked in my present office.

10. On July 11, 1973, upon written request, I submitted the list, along with my handwritten notes of the September 11, 1972 meeting, to the Joint Committee on Internal Revenue Taxation in connection with that Committee's investigation of allegations that the IRS took enforcement actions for political purposes.

Johnnie M. Walters

Dated: 5/6/74

Subscribed and sworn to before me this 6 day of May, 1974.

Notary Public
My Commission expires

My Commission Expires Feb. 14, 1973

WALTERS EXHIBIT NO. 10

93D CONGRESS, 1ST SESSION

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Congress of the United States
JOINT COMMITTEE ON INTERNAL REVENUE TAXATION
1015 LONGWORTH HOUSE OFFICE BUILDING
Washington, D.C. 20515

July 11, 1973

Mr. Johnnie M. Walters
Hunton, Williams, Gay & Gibson
1730 Pennsylvania Avenue, N.W.
Washington, D. C. 20006

Dear Mr. Walters:

You will recall that in the discussion we had with you on the 5th of July you indicated that you were invited to the White House by John Dean and that, at that time, he turned over to you a sheath of papers, presumably including a list of opponents of the administration, asking for you to start audit on them right away. As you indicated to me, this was in fact not done, and the list was in fact not used for this purpose at all.

It is my understanding that this list which you have in your personal possession you are willing to turn over to the Joint Committee on Internal Revenue Taxation. I have checked this matter with Wilbur D. Mills, chairman of the committee, and he has requested that I obtain the list from you for use in connection with our review of action taken by the Service, if any, with respect to the so-called opponents of the administration.

Sincerely yours,

Laurence N. Woodworth

Laurence N. Woodworth

LAW OFFICES
HUNTON, WILLIAMS, GAY & GIBSON
1730 PENNSYLVANIA AVE. N.W. SUITE 1060
WASHINGTON, D.C. 20006
TELEPHONE (202) 833-1680

July 11, 1973

RICHMOND, VA. OFFICE
700 EAST MAIN STREET
P.O. BOX 15.5 23212
TELEPHONE (703) 649-3661

FILE NO.

Dr. Laurence N. Woodworth
Chief of Staff
Joint Committee on Internal
Revenue Taxation
Longworth House Office Building
Room 1015
Washington, D.C.

Dear Dr. Woodworth:

Responding to your letter today requesting in behalf of the Joint Committee that I turn over to the Committee the list of names delivered to me as Commissioner of Internal Revenue in late summer or early fall of 1972 by John W. Dean, III, the Counsel to the President, I herewith deliver to you that list. In doing so, I would like to confirm statements I made on July 5, 1973 to you, Lincoln Arnold and Bernard M. Shapiro at the time I appeared in your office at your request for preliminary discussions in respect of the investigation the Joint Committee has undertaken following the testimony of Mr. Dean before the Senate Committee investigating the Watergate Affair.

I confirm the following facts:

(1) At the time Mr. Dean delivered the list to me with the request that IRS undertake examination or investigation of the individuals on the list, I reminded Mr. Dean that IRS should not take the action requested, that IRS should continue to take action solely for tax reasons, that to undertake the requested action would create severe problems for IRS and for the Administration.

(2) I asked Mr. Dean whether he or anyone had discussed the matter with the Secretary of the Treasury (Shultz) and he replied no.

(3) I then advised Mr. Dean I would undertake two actions,: (a) I would inform the Secretary of Mr. Dean's request; and (b) I would recommend to the Secretary that IRS not take the action requested.

(4) As soon thereafter as I could, I did advise the Secretary of the Dean request and the list, showing the list to the Secretary. I recommended strongly that IRS not undertake the requested action. After glancing at a page or two of the names, the Secretary returned the list to me, agreed that we should not take the action requested, and advised me to lock up the list and do nothing about it.

(5) I then sealed the list of names and had it locked in my safe in the Commissioner's office.

(6) No one other than the Secretary and I had even the slightest glance at the list. I did not furnish any name or names from the list to anyone, nor did I request any IRS employee or official to take any action with reference to the list. Thus, I can say, with absolutely no reservation, IRS never took any action with respect to this list I am delivering to you.

(7) As you will note, I sealed the list the last time on May 21, 1973. It was at that time that I was clearing my files at IRS having resigned as Commissioner. Thus, even with all the public notice of the list mentioned by Mr. Dean in

his testimony, I have no idea whether this list is a copy of the list mentioned by Mr. Dean.

While I hope this statement on my part will satisfy the Committee that IRS did not take any action as requested, I will be available and willing to answer any questions or furnish any further information with respect to this matter as the Committee deems it advisable or necessary.

Very truly yours,

Johnnie M. Walters

Commissioner of Internal Revenue

Johnnie M. Walters

Date 9-11-72

To JMW

① Received from John Dean at 2 30/p conference Suite 106, EOB, today.

② JE asked — to make up list (staff & large contributors) & to see what info can be developed.

③ J. Dean has not been asked by P to have IRS work

and he does not know whether P has asked directly that any of this be done.

(4) J Dean wonders if there are items IRS may have or can pick up easily that will not cause ripples.

(5) J Dean is not yet under pressure.

(6) JMW advised Dean JMW would discuss with the Secretary.

(7) 9-13: Discussed Sec Shultz. He directed: "Do nothing."

Commissioner of Internal Revenue

Johnnie M. Walters

Date 9/25/72

To

John Dean Recalled to ask what progress on list. JMW told him JMW had discussed with Sey Stultz & that so far no progress has been made in actually checking the list.

JMW advised Dean again that any checking made as suggested would be inviting disaster. He agreed however to consider the matter again with Sey Stultz & recall Dean

Abzug, Rep. Bella

Armstrong, Robert

Brown, Willie L.

Caddell, Patrick

Caplin, Mortimer

Chayes, Dr. Abram

Clifford, Clark

Cohen, Dick

Cunningham, George

Daniels, Harley

Davis, Lon

DeWind, Adrian

Dougherty, Richard

Duffey. Rev. Joe

Dutton, Frederick G.

Farenthold, Frances (Sissy)

Gavin Lt. Gen. James M
(Retired)

Guggenheim, Charles

Halsted, Tom

Hart, Gary

Heller, Walter O

Himmelman, Harold

Holum, John D.

James, William S.

Jones, Kirby

Kimelman, Henry

Kuh, Edwin

LaRocque, Rear Adm. Gene
(Retired)

Levett, Michael

Lobell, Martin

MacLaine, Shirley

Mankiewicz, Frank

Martindell, Anne

McPherson, Mike

Meyers, Henry

O'Brien, Lawrence

Okun, Arthur M.

Patterson, Basil

Pechman, Joseph A.

Pokorny, Gene

Proxmire, Senator William

Rapp, Stan

Rubin, Miles

Salinger, Pierre

Schultze, Charles L.

Scoville, Herbert Jr.

Smith, Floyd

Stearnes, Rick

Surrey, Stanley S.

Sylvester, Edward S., Jr.

Tobin, James

Van Dyck, Ted

Warnke, Paul C.

Weil, Gordon

Westwood, Jean

Wexler, Anne

White, Cissy

Willens, Harold

York, Herbert F.

M/M Richard Abrons
10 Rigene Road
Harrison, N. Y. 10528

Thomas Boylston Adams
Concord Road
Lincoln, Mass. 01773

Isadore Adelman
1035 Summit Drive
Beverly Hills, Calif.

Julius Ochs Adler
50 E. 77th St.
New York, N. Y. 10021

Dr. Sheldon Adler
474 Duquesne Dr.
Pittsburgh, Pa. 15243

Archilbald Alexander
744 Broad St.
Newark, N. J. 07102

Henry Alker
512 Wyckoff Rd.
Ithaca, N.Y.

Bruce Allen
5411 S. Harper Ave.
Chicago, Ill. 60615

Herb Alpert
1416 North LaBrea Ave.
Hollywood, Calif.

Judith H. Alpert
Box 452
Princeton, N. J.

Frank Altschul
730 Fifth Ave.
New York, N. Y. 10019

William R. Anixter
279 Moraine Road
Highland Park, Ill.

Joseph Antonow
111 East Wacker Drive
Chicago, Ill.

Paul S. Armington
3031 Macomb St.
Washington, D. C. 20008

Mrs. Elaine Attias
605 N. Bedford Drive
Beverly Hills, Calif.

Milton S. Axelrad
687 Driftwood Lane
Northbrook, Ill.

M/M John Axtell
10 Lincoln Road
Scarsdale, N. Y.

Mildred E. Barad
(No Address)

Irving Barr
11-5th Ave.
New York, N. Y. 10003

Jim Barrett
7621 N. W. 34th
Oklahoma City, Okla. 73008

Robert Batinovich
100 Flying Cloud Island
Foster City, Calif. 94406

Doris Z. Bato
Cognewaugh Road
Cos Cob, Conn. 06807

Dr./Mrs. Bernard Batt
31 Livingston Road
Sharon, Mass.

Dr./Mrs. Theodore B. Bayles
94 Summer St.
Weston, Mass. 02193

Mrs. J. (Helen) Beardsley
7336 Monte Vista
La Jolla, Calif. 92037

John M. Behr
10820 Vicenza Way
Los Angeles, Calif.

Charles Benton
585 Ingleside Place
Evanston, Ill.

Marjorie Benton
585 Ingleside Place
Evanston, Ill. 60201

Polly Bergen
Los Angeles, Calif.

Jerome Berger
35 Ridgemoor Drive
Clayton, Mo. 63105

Louise Berman
6 West 77th St.
New York, N. Y.

Nahum A. Bernstein
295 Madison Ave.
New York, N.Y. 10017

Peter L. Bernstein
767 Fifth Ave.
New York, N.Y. 10022

Harold Berry
19330 Stratford
Detroit, Mich.

Harold & Vivian Berry
16300 N. Park Dr.
Apt. 1517
Southfield, Mich. 48075

Mrs. Carly Billings
P.O. Box 1014
Sag Harbor, N. Y. 11963

Eugene C. Blake
256 Country Club Road
New Canaan, Conn.

Louis C. Blau
9777 Wilshire Blvd.
Beverly Hills, Calif. 90212

Leonard Block
257 Cornelison Ave.
Jersey City, N. J. 07302

Elizabeth Blossom
56 Linnaean St.
Cambridge, Mass.

Mrs. Frances Boehm
1 Willow Lane
Hewlett Harbor, N. Y. 11557

M/M Robert Boehm
1 Willow Lane
Hewlett Harbor, N. Y. 11557

Edward G. Boettiger
Dunham Pond Road
Storrs, Conn. 06268

Alva T. Bonda
11 Bratenahl Place
Suite 14E
Bratenahl, Ohio
and
1700 Investment Plaza
Cleveland, Ohio 44114

Joel Bonda
Investment Plaza
Cleveland, Ohio 44114

Lou Bonda
Investment Plaza
Cleveland, Ohio 44114

Richard Borow
1800 Ave. of the Stars
Los Angeles, Calif. 90067

M/M Constantine & Elizabeth Boukas
P.O. Box 116
Dunnigan, Calif. 97102

Michael Brande
1360 N. Sandburg
Chicago, Ill.

M/M Irwin H. Braun
546 N. Cliffwood Ave.
Los Angeles, Calif.

Gerald Breslauer
3306 Barbydell Drive
Los Angeles, Calif.

John Briscoe
Silent Meadow Farm
Lakeville, Conn. 06039

Robert L. Brock
1153 Stratford Road
Topeka, Kan.

Earl Brockelsby
Box 2063
Rapid City, S. Dakota

George Brockway
63 Brevoot Rd.
Chappaqua, N.Y.

Edward R. Broida
2222 Corinth Ave.
Los Angeles, Calif. 90064

John Brown
5811 Orton Road
Louisville, Ky.

M/M Lester R. Brown
8716 Preston Place
Chevy Chase, Md. 20015

Robert W. Brown
371 Noco Lane
Menlo Park, Calif.

M/M Roger Brown
3249 O Street, N.W.
Washington, D.C. 20007

M/M Thomas Buckner
445 Boynton
Berkeley, Calif. 94707

Stimson Bullitt
1125 Harvard E.
Seattle, Washington 98102

Carter Burden
305 E. 79th St.
New York, N.Y.

Walter Burke
Winding Lane
Greenwich, Conn.

Michael Butler
Los Angeles, California

Michael Butler
Oak Brook, Ill.

Alexander and Luisa Calder
Roxbury, Conn. 06783

William D. Carleboch
1112 Hardscrabble Rd.
Chappaqua, N.Y. 10514

M/M Robert Carlson
495 Prospect Blvd.
Pasadena, Calif.

William H. Carter
2222 Ave. of the Stars
Los Angeles, Calif. 90067

Jerome Cassidy
3515 Wilshire Blvd.
Los Angeles, Calif.

Raymond Cerf
1000 Sunset Drive
Lawrence, Kan.

Mrs. David (Joan R.) Challinor
3117 Hawthorne St., N.W.
Washington, D.C. 20008

Tertius Chandler
2720 Elmwood Ave.
Berkeley, Calif.

R.B. Chaote
3508 Macomb St., N.W.
Washington, D.C. 20016

Ann Chapman
1026 Maxine
Flint, Mich.

Edwin Child
73 W. Cedar St.
Boston, Mass. 02114

John C. Childs
1020 Cromwell Bridge Rd.
Baltimore, Md. 21204

Ellis Chingos
7707 North Federal Highway
Boca Raton, Fla. 33432

Jane Ann Choate
Hudson House
Ardsley-on-Hudson, N.Y.

Willard Chotiner
10501 Wyton Dr.
Los Angeles, Calif.

Blair Clark
229 E. 48th St.
N.Y., N.Y.

Mrs. Alice Erdman Cleveland
Bonnytop
Tamworth, N.H. 03886

Michael Coburn
26 Witherspoon Lane
Princeton, N.J. 08540

1290 Ave. of the Americas
New York, N.Y.

Lionel Cohen
P.O. Box 884
Gary, Indiana 46401

M/M Ronald B. Cohen
3509 Severn Road
Cleveland Heights, Ohio 44118

Saul and Amy Cohen
203 Hommocks Rd.
Larchmont, N.Y.

A. Cohn
1440 North Lake Shore Drive
Chicago, Ill.

Catherine W. Coleman
101 West Monument St.
Baltimore, Md. 21201

Louis L. Colen
2727 Krim Drive
Los Angeles, Calif.

Ms. Lucinda C. Collins
19 W. 12th St.
New York, N.Y. 10011

M/M Randolph P. Compton
53 Brookby Rd.
Scarsdale, N.Y. 10583

Edward T. Cone
18 College Road West
Princeton, N.J. 08540

P. F. Conrad
29328 North Bay Road
Palos Verdes, Calif.

M/M Andrew D. Cook
48 Academy Rd., Apt. 6
Westmount, P.Q., Canada

Tim Cooney
201 East 21 St.
New York, N. Y.

Edward T. Corre
18 College Road West
Princeton, N. J.

Phyllis Cox
88 Garden St.
Cambridge, Mass.

William H. Crocker
3333 P Street, N.W.
Washington, D. C.

P. McEvoy Cromwell
710 Circle Road
Ruxton, Md.

Ruth Cromwell
710 Circle Road
Ruxton, Md.

Priscilla Cunningham
160 East 72nd St.
New York, N. Y. 10021

Dorothy V. Dalton
1130 Short Rd.
Kalamazoo, Mich.

Eugene S. Daniell, Jr.
Franklin National Bank Bldg.
Franklin, N. H.

Joan K. Davidson
(No Address)

Alan S. Davis
37 West 12th St.
New York, N. Y.

Ed G. Davis
319 Harden Burg
Demarest, N. J. 07627

Irving Davis
1300 Midvale
Los Angeles, Calif. 90024

Stewart W. Davis
Innstrasse 16
8 Munich 80, Germany

Mark B. Dayton
900 Old Long Lake Rd.
Wayzata, Minn.

Lucy F. DeAngulo
2845 Buena Vista Way
Berkeley, Calif. 94708

Morris Dees
Rolling Hills Ranch
Matthews, Ala. 36052
or
P. O. Box 2087
Montgomery, Alabama

Mrs. June Oppen Degnan
Ames Ave. & Shady Lane
P. O. Box 1036
Ross, Calif. 94957

Lawrence Deutsch
1800 W. Magnolia Blvd.
Burbank, Calif.

Adrian W. DeWind
345 Park Ave.
New York, N. Y. 10021

Carl Djerassi
127 Cresta Vista
Portola Valley, Calif.

Henri G. Doll
18 East 78th St.
New York, N. Y.

Inez W. Dries
61 Superior Drive
Campbell, Calif.

Martha Ward Dudley
2942 Macomb St., N.W.
Washington, D. C. 20008

Angier Biddle Duke
47 Chester Square
London, SW 1, United Kingdom

Abe Dunn
3100 West Alabama
Suite 203
Houston, Tex. 77520

Cornelius Dutcher
7712 Moonridge Place
La Jolla, Calif. 92037

Cornelius & Barbara Dutcher
7617 Convoy
San Diego, Calif.

M/M Oscar Dystel
666 Fifth Ave.
New York, N. Y. 10019

Norman Eisner
16 Shady Brook Rd.
Great Neck, N. Y.

Richard A. Eisner
280 Park Ave.
New York, N. Y. 10016

Donald F. Eldridge
167 Isabella Ave.
Atherton, Calif. 94025

Lawrence Ellman
1 W. 72nd St.
New York, N. Y.

Helen W. Ellsworth
Salisbury, Conn. 06068

Victor Elmaleh
860 United Nations Plaza
New York, N. Y. 10017

James S. Ely
170 Gregory Hill Rd.
Rochester, N. Y.

Richard Emerson
Wells Hill
Lakeville, Conn. 06039

George G. Emert,
9512 Singleton Drive
Bethesda, Md. 20034

Beatrice Blair Epstein
292 Ambassador Dr.
Rochester, N. Y. 14610

Michael C. Erlanger
Redding, Conn. 06875

Dominck Etcheverry
41 E. 10th St.
New York, N. Y. 10011

Ralph Ettlinger, Jr.
1370 Lincoln Ave., So.
Highland Park, Ill. 60035

S. Sanford Ezralow
9556 Sherwood Forest
Beverly Hills, Calif. 90210

Max Factor
336 S. Hudson
Los Angeles, Calif.

M/M Gary & E. Familian
1011 Cove Way
Beverly Hills, Calif.
or
9134 Sunset Blvd
Los Angeles, Calif.

Mary Dupont Faulkner
c/o State Street & Trust
Boston, Mass.
and
255 Goddard Ave.
Brookline, Mass.

S. Ferry
1572 Massachusetts Ave.
Cambridge, Mass. 02138

Stanley Feuer
23140 Mariposa De Oro
Malibu, Calif.

Martin D. Fife
180 Madison Avenue
New York, N. Y.

John Fisher
123 Part St.
Buffalo, N. Y.

Mark H. Fleischman
36 East 38th St.
New York, N.Y. 10016

Moe Foner
Drug Hospital Union

M/M J. Malcomb Forbes
133 Coolidge Hill
Cambridge, Mass.

Orville Forte, Jr.
40 Nobscott Rd.
Weston, Mass.

M/M Stanley A. Frankel
161 E. 42nd St.
New York, N. Y.

John French
100 Wall Street
New York, N. Y. 10005

Michel Fribourg
Two Broadway
New York, N. Y.

Jules L. Furth
2450 Lakeview Ave.
Chicago, Ill.

Mrs. Helen Fuson
325 College Ave.
Richmond, Indiana 47374

Andrew Gagarin
Gallos Lane
Litchfield, Conn. 06758

John B. Gage
683 Santa Barbara Rd.
Berkeley, Calif.

Margaret Gage
11769 Sunset Blvd.
Los Angeles, Calif.

Mrs. Elizabeth Galande
Dickson Mill
Greene Village, N. J.

John Kenneth Galbraith
Harvard University
207 Littaner
Cambridge, Mass.

Florence Gardner
Chicken Valley Rd.
Locust Valley, N. Y.

Samuel Gary
1776 Lincoln St.
Denver, Colo.

Jerome Ginzberg
25 Hutchinson Pkwy
Lynbrook, N. Y.

J. W. Gitt (Gritt(?))
Hanover, Pa.

M/M J. W. Gitt
Pinehurst, North Carolina 28374

Ralph Gleason
10th and Parker
Berkeley, Calif.

M/M Martin L. Gleich
2210 - 4th Ave.
San Diego, Calif. 92101

Alan Glen
5454 Wisconsin Ave., N.W.
Chevy Chase, Md. 20015

Seth M. Glickenhaus
30 Broad St.
New York, N. Y. 10004

Robert & Susan Glickman
29 Oxford Rd.
Scarsdale, N. Y. 10503

Michael J. Goldberg
15366 Longbow Drive
Sherman Oak, Calif.

Margaret S. Goheen
Princeton University
Princeton, N. J.

Dr. Orville J. Golub
359 Veteran Ave.
Los Angeles, Calif.

Elinor Goodspeed
1230 - 13th St., N.W.
Washington, D. C.

Howard Gottlieb
1000 Lake Shore Blvd.
Evanston, Ill. 60202

Isabella Grandin
301 Berkley St.
Boston, Mass. 02116

Edith B. Greenberg
10591 Rocca Way
Los Angeles, Calif.

Kenneth L. Greif
4000 N. Charles St.
Baltimore, Md.

I. A. Grodzins
5737 S. Blackstone
Chicago, Ill.

George Gund
Gund Ranches
Lee, Nevada 89801

Richard S. Gunther
707 North Bedford Drive
Beverly Hills, Calif.

John H. Gutfreund
Salomon Bros. & Hutzler
(Address unknown)

Richard Tod Gutknecht
19890 Lures Lane
Huntington Beach, Calif. 92646

Gene Hackman
9171 Wilshire Blvd.
Los Angeles, Calif.

Hugh Hamill
384 Milne St.
Philadelphia, Pa. 19144

Victor G. Hanson
15929 W. Seven Mile Rd.
Detroit, Mich. 48235

Irving B. Harris
First National Plaza
Chicago, Ill. 60670

Anne B. Harrison
3556 Macomb St., N.W.
Washington, D. C. 20016

Carmen Harschaw
417 S. Hill St., #434
Los Angeles, Calif. 90013

Nan A. Harvie
3317 Paty Drive
Honolulu, Hawaii 96822

Henry Waldron Havemeyer
350 Fifth Ave.
New York, N.Y. 10001

Mr. Heckler
201 East 42nd St.
New York, N. Y.

Hugh M. Hefner
919 North Michigan Ave.
Chicago, Ill.

William Hegarty
448 North St.
Greenwich, Conn.

Fred Heim
2973 Passmore Drive
Los Angeles, Calif.

Frank Heineman
120 East 34th St.
New York, N. Y.

Alfred E. Heller
121 Woodland
Kentfield, Calif. 94904

Clarence S. Heller
244 California St.
San Francisco, Calif.

Ruth B. Heller
121 Woodland
Kentfield, Calif. 94904

M/M Paul & Ruth Henning
4250 Navajo St.
North Hollywood, Calif.

R. Allen Hermes
R.D. #2
West Redding, Conn. 06896

M/M Alexander P. Hixon, Jr.
5443 Palisade Ave.
Bronx, N. Y. 10471

Harrison Hoblitzelle
16 Gray Gardens West
Cambridge, Mass. 02138

Harold Hochschild
Blue Mt. Lake, N. Y. 12812

John P. Hodgkin
515 Madison Ave.
New York, N. Y. 10021

LeRoy E. Hoffberger
900 Garrett Bldg.
Baltimore, Md. 21209

Janet Hoffheimer
198 Green Hills Rd.
Cincinnati, Ohio

Joseph Hofheimer
2 Great Jones St.
New York, N. Y. 10012

Alice A. Hoge
63 East Bellevue
Chicago, Ill.

David L. Hollander
2518 Talbot Rd.
Baltimore, Md. 21216

Louis Honig
3555 Pacific Ave.
San Francisco, Calif.

Tim Horan
Wunderman, Ricotta & Kline
575 Madison Ave.
New York, N. Y. 10022

Raymond Horne
725 Bryson St.
Youngstown, Ohio 44502

Alice A. Howe
63 East Bellevue
Chicago, Ill.

Rudolph Hurwich
Box 1030
Berkeley, Calif.

Peter Hutchinson
221 D. Halsey
Princeton, N. J. 08540

Raymond Iekes
111 Alvarado
Berkeley, Calif. 94705

James H. Inglis
8811 Colvesville Rd., #803
Silver Spring, Md.

Jennifer L. Jacobs
577 West Ferry, Apt. 3
Buffalo, N.Y.

Edwin Janss, Jr.
104 Thousand Oaks Blvd.
Thousand Oaks, Calif. 91360

Christopher Jencks
C/O Cambridge Trust Co.
Cambridge, Mass.

Esther Johnson
R.D. Oldrick, N.J.

M/M Walter Johnson
19641 Coral Gables
Southfield, Mich. 48075

Alfred W. Jones
435 E. 52nd St.
New York, N. Y. 10022

Catherine S. Jones
2728 32nd St., N.W.
Washington, D. C. 20008

Larry Kagan
1900 Ave. of the Stars
Los Angeles, Calif.

Albert J. Kallis
528 N. Palm Drive
Beverly Hills, Calif.

Sheila Kamerman
1125 Park Place
New York, N. Y.

Louis Kane
10 Chestnut St.
Boston, Mass.

Jack Kaplan
760 Park Ave.
New York, N. Y.

Frank Karelsen
600 Park Ave.
New York, N.Y.

David Karr
47 Rue Faubourg St. Honore
Paris, France

Samuel Katzin
5530 S. Southshore
Chicago, Ill.

Anita Katzman
100 Sands Point Rd.
Longboat Key
Sarasota, Fla. 33577

Don Kaufman
3100 Mandeville Canyon Rd.
Los Angeles, Calif.

M/M Elwood P. Kaufman
148 Library Place
Princeton, N. J.

Gloria Kaufman
3100 Mandeville Canyon Rd.
Los Angeles, Calif.

Harold Keith
93 Malibu Colony
Malibu, Calif. 90265

Dorothy Kent
San Juan
Pueblo, New Mex. 87566

James R. Kerr
1275 King St.
Greenwich, Conn.

Jim Kerr
10850 Wilshire Blvd.
Los Angeles, Calif.

Peter Kessner
112 W. 34th St.
New York, N.Y. 10001

Henry L. Kimelman
P. O. Box 250
St. Thomas, Virgin Islands 00801

Dr. & Mrs. J. J. King
7121 W. Manchester Ave.
Los Angeles, Calif.

David B. Kinney
3636 N. 38th St.
Arlington, Va. 22207

Travis Kleefeld
8929 Wilshire Blvd., #212
Beverly Hills, Calif. 90211

Mrs. S. B. Knight
Box 174
Gates Mills, Ohio 44040

Arthur J. Kobacker
3172 Homewood Ave.
Steubenville, Ohio 43952

Harvey L. Koizim
145 Main St.
Westport, Conn. 06880

Gilman Kraft
401 St. Cloud Rd.
Los Angeles, Calif.

Herbert Kronish
1345 - 6th Ave.
New York, N.Y.

Violet Krum
43 N. Housac Rd.
Williamstown, Mass.

Norman Kunin
600 Old Country Road
Garden City, N.Y. 11530

7/11/73

Mrs. Joseph Lachowicz
1042 N. 5th Ave.
Tucson, Ariz. 85705

Lou Lamberty
301 South 51st Ave.
Omaha, Nebr.

M/M Corliss Lamont
315 W. 106 St.
New York, N.Y. 10025

Mrs. Helen Lamont
315 W. 106th St.
New York, N. Y. 10025

Roy Lamson
68 Francis Ave.
Cambridge, Mass. 02138

Burt Lancaster
(No Address)

Peter Lake
10005 Reevesbury Dr.
Beverly Hills, Calif.

Bert Lane
224 South June St.
Los Angeles, Calif. 90004

Theodore V. Lane
1330 De Soto
Canoga Park, Calif.

Frank E. Laplin
Princeton, N. J.

H. Irgens Larsen
10 Frog Rock Rd.
Armonk, N. Y. 10504

Frank Lautenberg
405 Route 3
Clifton, N.J.
or
36 Stonebridge Rd.
Montclair, N. J.

Norman Lear
132 S. Rodeo Drive
Beverly Hills, Calif.

Mrs. Lucy B. Lemann
525 Park Ave.
New York, N. Y.

Timothy Leonard
1027 City Park
Columbus, Ohio

George Leppert
20 Leroy St.
Potsman, N. Y. 13676

M/M Albert W. Lerch
1511 Amalfi Dr.
Pacific Palisades, Calif.

Mrs. Beatrice Lerner
300 Lillore Road
South Orange, N. J.

Alvin Levin
Old Winter St.
Lincoln, Mass. 01773

Robert A. & Kay Levin
1411 Judson Ave.
Evanston, Ill.

Abner Levine
2 Amberly Road
Lawrence, N.Y.

Joseph E. Levine
1301 Ave. of the Americas
New York, N. Y.

M/M Bernard Levy
91 Chatham Road
Kensington, Conn. 06037

Diana B. Lewis
778 Park Ave.
New York, N.Y.

M/M Peter B. Lewis
18930 South Woodland Rd.
Shaker Heights, Ohio 44122

Robert K. Lifton
201 E. 42nd Street
New York, N. Y.

Timothy Light
104 Eastern Heights Dr.
Itahca, N. Y.

William E. Little, Jr.
220 Fifth Avenue
New York, N. Y. 10001

William Louis-Dreyfus
One State Street Plaza
New York, N.Y. 10004

Dr. A. A. Lumsdaine
University of Washington
Seattle, Washington 98105

Mrs. Frances B. McAllister
P. O. Box 1874
Flagstaff, Ariz. 86001

Fred McConnaughey
2230 S. Patterson Blvd.
Dayton, Ohio 45409

F. R. McConnaughey
4385 Tam-o-Shanter Way
Kettering, Ohio 45429

Alan McGowan
16785 Bayview Drive
Sunset Beach, Calif.

Priscilla McMillan
12 Hilliard St.
Cambridge, Mass.

John E. Mack
111 Beverly Road
Chestnut Hill, Mass.

Elizabeth Mackie
98 Bayard Lane
Princeton, N. J.

Milton Maidenberg
1100 Euclid Ave.
Marion, Ind.

Lewis Manilow
105 W. Adams St.
Chicago, Ill. 60603

Stanley Marsh
115 W. 7th Ave.
Amarillo, Texas

Anne Martindell
1 Battle Road
Princeton, N. J. 08450

Priscilla Mason
2817 N Street, N.W.
Washington, D. C. 20007

Stephanie May
Duncaster Rd.
Bloomfield, Conn. 06002

Kenneth Pray Maytag
21 East Canon Perdido
Santa Barbara Calif.

C. W. V. Meares
307 East 44th St.
New York, N. Y. 10017

J. J. Meeker
4511 Ridgehaven Rd.
Fort Worth, Tex.

Daniel Melcher
228 Grove St.
Montclair, N. J.

M/M Charles Merrill
23 Commonwealth Ave.
Boston, Mass. 02116

Robert Mertens
P. O. Box 245
Woodstock, Vermont 05091

Mrs. LuEsther T. Mertz
860 United Nations Plaza
Apt. 30E
New York, N. Y. 10017

Howard M. Metzenbaum
1700 Investment Plaza
Cleveland, Ohio 44114

Ruth Meyer
252 Huntington St.
New Haven, Conn. 06511

Harry C. Meyerhoff
6301 Reistertown Rd.
Baltimore, Md. 21215

Jack Meyerhoff
5560 Collins Avenue
Miami Beach, Fla.

Robert Meyerhoff
3209 Fallstaff Road
Baltimore, Md.

Jean Milgram
5 Longford St.
Philadelphia, Pa.

Gerlad J. Miller
1220 Blair Mill Rd.
Silver Spring, Md. 20910

Joseph Miller
1913 Delancey Place
Philadelphia, Pa.

M/M Marshall Miller
Gateway Towers, Apt. 20K
Pittsburgh, Pa.

M/M Richard G. Miller
Box 621, R.R. #1
Carson City, Nev. 89701

Leon R. Miral, M.D.
4821 E. McNichols
Detroit, Mich. 48212

Ralph Mishkin
7130 LaPresa Drive
Los Angeles, Calif.

Robert L. Misrack
901 S. Hill St.
Los Angeles, Calif. 90015

Stuart Moldaw
49 Faxon Road
Atherton, Calif.

Kenneth Monfort
1902 25th Ave.
Greeley, Colo.

Jenny McKean Moore
6619 Newark St., N.W.
Washington, D. C.

Carol S. Moss
335 S. Rimpau
Los Angeles, Calif.

M/M Jerome S. Moss
1416 N. LaBrea Ave.
Hollywood, Calif.

Stewart Mott
515 Madison Avenue
New York, N. Y. 10022

M/M Stuart Mudd
734 Millbrook Lane
Haverford, Pa. 19041

William W. Mullins
509 S. Linden
Pittsburgh, Pa.

Eleanor E. Murdock
301 Berkeley St.
Boston, Mass. 02116

David C. Nash
305 E. 40th St., Apt. 5F
New York, N. Y. 10016

Mrs. Margaret De Neufville
Thomas Road
Mendham, New Jersey 07945

C. M. Newman
9820 Spring
Omaha, Nebr.

Murray Newman
8405 Indian Hills Dr.
Omaha, Nebr. 68124

Nick Newman
9820 Spring
Omaha, Nebr.

Paul & Joanne Newman
Westport, Conn. 06880

Frederick M. Nichols
9454 Wilshire Blvd.
Beverly Hills, Calif.

Georgia O'Keefe
Albuquerque, New Mexico

Wilfred A. Openhym
230 Park Ave.
New York, N. Y. 10017

M/M Harold Oram
77 Park Ave.
New York, N. Y. 10016

Albert Ornstein
210 E. 86th Street
New York, N. Y. 10028
and
Apt. M-11, Bldg. 2
Washington Square Village
New York, N. Y.

Moe Ostin
Warner Brothers
Burbank, Calif.

Mrs. Louise Ottinger
150 Central Park South
New York, N. Y. 10019

Mrs. Joan B. Overton
(No Address)

Janet F. Page
1007 Paseo de la Cuma
Santa Fe, New Mex. 87501

Joan Palevsky
623 S. Beverly Glen Blvd.
Los Angeles, Calif. 90024

Max Palevsky
755 Stradella
Los Angeles, Calif. 90024

Victor Palmieri
107 Malibu Colony
Malibu, Calif.

Esther Parker
177 Lake St.
Sherborn, Mass.

Mrs. Grace Parr
Box 463
Taos, New Mex. 87571

J. R. Parten
1603 Bank of the Southwest
Building
Houston, Texas

Isaac Patch
185 Maple St.
Englewood, N. J. 07631

Henry Pearlman
630 Third Ave.
New York, N. Y. 10017

Edward R. Peckerman, Jr.
230 Park Ave.
New York, N.Y. 10017

Martin Peretz
Assistant Professor
Harvard University
(No Address)

Harry J. Perry
PNB Building
Philadelphia, Pa.

Robert O. Peterson
530 B St.
San Diego, Calif. 92101

Donald A. Petrie
2500 Virginia Ave., N.W.
Washington, D. C.

Gifford Phillips
825 S. Barrington Ave.
Los Angeles, Calif.

M. Platov
Tannersville, N.Y. 12485

Gene Pokorny
Rte. #2
Howells, Nebr.

A. Polland
716 W. Arbor Drive
San Diego, Calif.

Jerry E. Poncher
7400 Caldwell Avenue
Chicago, Ill. 60648

Sidney L. Port
2961 Gregory St.
Chicago, Ill.

Bibb Porter
78 E. 56th St.
New York, N.Y.

Rubin Potoff
574 E. Main St.
Waterbury, Conn.

Diane S. Poucher
303 N. Deere Park Dr.
Highland Park, Ill. 60035

M/M Charles Pratt
242 E. 68th St.
New York, N.Y. 10021

George Pratt (George D., Jr.)
Bridgewater, Conn. 06752

Mrs. Jean Wood Preston
Weston Road
Lincoln, Mass. 01773

Julian Price II
1776 Butler Creek Rd.
Ashland, Oregon
and
Box 5786
Greensboro, N. C.

Bernard Rabinowitz
2 Laurel Lane
Clifton, N. J.

Reuben Rabinowitz
2 Laurel Lane
Clifton, N. J.

Bernard Rapoport
Box 208
Waco, Tex.

Joan Rea
510 Park Ave.
New York, N. Y.

Charles R. Reed
402 A Deuereux
Princeton, N. J. 08540

Walter T. Ridder
1325 E St., N.W.
Washington, D. C. 20004

Ellis Ring
11400 Rochester Ave.
Los Angeles, Calif.

M/M Joseph Robbie
1301 N.E. 100th St.
Miami, Fla. 33138

James Robbin
740 Cordova Ave.
San Diego, Calif.

Edward Hutchinson Robbins
5303 Boxwood Court
Washington, D. C. 20016

Bernard M. Rodin
919 Third Ave.
New York, N. Y.

M/M Richard Rogers
2 East 61 St.
New York, N. Y. 10021

M/M Frank Roosevelt
404 Riverside Drive
New York, N. Y. 10025

Carl Rosen
Essex, N. Y.

Jaclyn B. Rosenberg
1155 Shadow Hill Way
Beverly Hills, Calif.

Richard S. Rosenzweig
1519 Euclid Ave.
Marion, Indiana

Mike Roshkind
6464 Sunset Blvd.
Los Angeles, Calif.

Stanley Rothenfeld
19100 South Park Blvd.
Shaker Heights, Ohio

Arvin K. Rothschild
Universal Marion Bldg.
Jacksonville, Fla.

Walter Rothschild, Jr.
521 Fifth Ave.
New York, N. Y. 10017

James W. Rouse
10354 Windstorm Drive
Columbia, Md.

Miles Rubin
77 Malibu Colony
Malibu, Calif. 90265

Mrs. Vera Rubin
1080 Fifth Ave.
New York, N. Y.

*Dr. Vera Rubin
1028 Fifth Ave
New York, N. Y.

Madeline Russell
3778 Washington St.
San Francisco, Calif.

Edward L. Ryerson, Jr.
71 Washington Ave.
Cambridge, Mass.

John D. Ryan
Northville, N. Y. 11234

* Dr. Vera Rubin may be same as Mrs. Vera Rubin listed at address above.

M/M Eli Sagan
153 Dwight Place
Englewood, N. J. 07631

Eli J. Sagan
520 8th Ave.
New York, N. Y.

Alan Sagner
301 So. Livingston Ave.
Livingston, N. J. 07039

Alan Saks
3840 West Fullerton Ave.
Chicago, Ill.

Elizabeth M. Salett
6 Kensington Ave.
Trenton, N. J. 08618

Richard Salomon
870 United Nations Plaza
New York, N.Y.
and
Riverbank Road
Stamford, Conn.

Maxwell H. Salter (and Mrs. Janet)
804 N. Linden Drive
Beverly Hills, Calif.

Edward and Rose Sanders
509 Tuallitan Road
Los Angeles, Calif. 90049

Stanley Sands
2601 Woodcrest
Lincoln, Nebr.

David Sanford
614 Pearson
Flint, Mich.

William H. Scheide
133 Library Road
Princeton, N. J.

Fred Schiener
18 Beverly Drive
Great Neck, N. Y. 11021

J. L. Schiffman
15 Exchange Place
Jersey City, N. J.

Robert Schlossberg
3846 Virginia St.
Lynwood, Calif.
Leland Schubert
2 Bratenahl Place
Bratenahl, Ohio

Leonard Schulman
444 Park Ave., S.
New York, N.Y.

Mrs. Milton Schulman
737 Park Ave.
New York, N. Y.

Edward L. Schuman
4201 Cathedral N.W.
Washington, D. C. 20016

Kenneth L. Schwartz
4280 North Hills Drive
Hollywood, Fla. 33021

Burnell Scott
276 N. Pleasant
Oberlin, Ohio

Peter J. Scott
P. O. Box 388
Lyndhurst, N. J. 07071

Marvin Shapiro
1800 Ave. of the Stars
Los Angeles, Calif.

Betty Warner Sheinbaum
819 San Ysidro Lane
Santa Barbara, Calif. 93103

Stanley K. Sheinbaum
819 San Ysidro Lane
Santa Barbara, Calif.

Ralph Shekes
16 W. 77th St.
New York, N. Y. 10024

Malcolm Sherman
10450 Waterfowl Terrace
Columbia, Md. 21044

Richard Sherwood
9606 Feather Road
Beverly Hills, Calif. 90210

Mrs. Richard T. Shields
812 Fifth Ave.
New York. N. Y. 10021

Emilie Helene Siebert
310 Riverside Dr.
New York. N.Y. 10024

Jerome A. Siegel
1175 Old White Plains Rd.
Maranoneck, N. Y. 10543

Joan Simon
7 Gracie Square
New York, N. Y. 10028

Alfred P. Slaner
640 Fifth Ave.
New York, N. Y. 10019

Howard Sloan
75 Maiden Lane
New York, N.Y.

George A. Smith
17 Ames St.
Rutherford, N. J. 07070

Ruth P. Smith
1 West 72nd St.
New York, N. Y.

*Mrs. Randolph Smitherman
617 Tinkerbell Rd.
Chapel Hill, N.C. 27514

*Mrs. M. R. Smitherman
617 Tinkerbell Rd.
Chapel, Hill, N. C. 27514

George Soros
25 Central Park South
New York, N. Y.

Leonard and Libbie Spacek
1550 Lake Shore Drive
Chicago, Ill. 60610

L. M. Sperry
20 Crest Road
Belvedere, Calif. 94920

Mrs. Leonard M. Sperry
9198 Cordell Dr.
Los Angeles, Calif.

M/M Paul J. Sperry
115 Central Park West
New York, N. Y. 10023

* Mrs. Randolph Smitherman & Mrs. M. R. Smitherman may be same person

V. Sperry
500 Crestline Drive
Los Angeles, Calif. 90049

Mrs. Victoria H. Sperry
500 Crestline Dr.
Los Angeles, Calif. 90049

Vicki Sperry
c/o Carol Moss
335 S. Rimpau
Los Angeles, Calif.

Lyman Spitzer
659 Lake Dr.
Princeton, N. J. 08540

Jon Splane
619-1/2 Third
Flint, Mich.

Fortney Stark, Jr.
Security Bank Building
1500 Newell Ave.
Walnut Creek, Calif. 94596

Dinah Starr
198 Beacon St.
Boston, Mass. 02116

Leften Stavrianos
53-109 Kam Hwy.
Punaluu, Hawaii

Hy Steirman
1 Chesterfield Rd.
Scarsdale, N. Y.

John A. Stephens
4400 Via Abrigado
Hope Ranch, Calif.

Carl W. Stern
55 Raycliff Terrace
San Francisco, Calif. 94115

M/M Philip Stern
2301 S Street, N.W.
Washington, D. C. 20008

Alvin Sternlieb
20 Willowbrook Lane
Freeport, N. Y. 11520

Dr. & Mrs. R. J. Stoller
1100 Rivas Canyon
Pacific Palisades, Calif.

Martain and Elaine Stone
10889 Wilshire Blvd.
Los Angeles, Calif.

Mrs. Myron K. Stone
56 East 80th St.
New York, N. Y. 10021

Robert C. Stover
150 College Ave.
Poughkeepsie, N. Y. 12603

Donald B. Straus
140 West 51st St.
New York, N.Y. 10020

Marvin A. Strin
11110 Ohio Ave.
West Los Angeles, Calif.

Bernard Stryer
104 Raymond Ave.
Millburn, N. J.

Lee J. Stull
New Delhi
Dept. of State
Washington, D. C.

John Sturges
13063 Ventura Blvd.
N. Hollywood, Calif. 91604

Mark Swann
R. D. #1
New Park, Pa. 17352

O. W. Switz
P. O. Box 723
Red Bank, N. J.

George H. Talbot
125 East 4th St.
Charlotte, N. C.
and
417 Hermitage Rd.
Charlotte, N. C.

A. A. Taubman
Special Account
Southfield, Mich.

Michael Taylor
32 Gramercy Park South
New York, N. Y.

Michael Tennenbaum
c/o Bear Sterns & Co.
1 Wall St.
New York, N.Y.

Frank Thielen, Jr.
P. O. Box 427
Baytown, Tex. 77520

Lee B. Thomas, Sr.
Box 1523
Louisville, Ky.

Matthew D. Thomases
1450 Broadway
New York, N. Y.

J. B. Tietz
410 Douglas Bldg.
257 S. Spring St.
Los Angeles, Calif.

Bardyl Tirana
3509 Lowell St., N.W.
Washington, D. C. 20016

John L. Tishman
885 Park Avenue
New York, N. Y.

Belmont Towbin
C. E. Unterberg
(No Address)

Robert C. Townsend
45 Sutton Place South
New York, N. Y.

R.C. Townsend
Duck Pond Road
Locust Valley, N. Y. 11560

Mrs. Katharine W. Tremaine
1512 Miramar Beach
Santa Barbara, Calif. 93108

David H. Tucker
10383 Barcan Circle
Columbia, Md. 20144

Joyce B. Turner
4948 S. Kimbark Ave.
Chicago, Ill. 60615

Eugene K. Twining
Commonwealth Building
Allentown, Pa.

Frances Vicario
North Bennington, Vt. 05257

Fred Viehe
9320 S. W. Eighth Ave.
Portland, Ore. 97219

Norman Wain
15809 Onaway Rd.
Shaker Heights, Ohio 44115

Dr. George Wald
21 Lakeview Ave.
Cambridge, Mass.

Linda Wallace
435 S. Lafayette
Los Angeles, Calif.

Ira Wallach
Central National Corp.
100 Park Ave.
New York, N.Y.

Joan Warburg
60 East 42nd St.
New York, N. Y.

Maxine F. Warner
100 Malibu Colony
Malibu, Calif.

Carmen Warschaw
417 S. Hill St., #434
Los Angeles, Calif.

Samuel Warshauer
187 Leroy St.
Tenafly, N. J. 07670

Jean S. Weaver
445 El Arroyo
Hillsborough, Calif. 94010

Robert Weil
1880 Centuray Park East
Los Angeles, Calif. 90067

Samuel Weiner, Jr.
451 West Broadway
New York, N. Y. 10012

Howard Weingrow
201 E. 42nd St.
New York, N. Y.

Howard A. Weiss
209 South LaSalle St.
Chicago, Ill.

Molly Weiss
1040 North Lake Shore Drive
Chicago, Ill.

Robert G. Weiss
209 South LaSalle St.
Chicago, Ill.

Bernard Weissbourd
111 East Wacker Dr.
Chicago, Ill. 60601

Stanley S. Weithorn
405 Lexington Ave.
New York, N. Y. 10017

Mr. Wellington
Princeton, N. J.

Albert B. Wells
250 Golden Hills Dr.
Portola Valley, Calif.

Joseph P. Wells
673 Second Ave.
New York, N. Y. 10016

Barbara Wheatland
P. O. Box 271
Topsfield, Mass. 01983

Keith Wheelock
Todd Pond Rd.
Lincoln, Mass.

Henry Willcox
38 Dock Road
South Norwalk, Conn. 06854

Harold Willens
1122 Maple Ave.
Los Angeles, Calif. 90015
and
321 South Bristol
Los Angeles, Calif.

Estelle Williams
723 N. Elm Dr.
Beverly Hills, Calif. 90210

Charles E. Wilson
4513 Coachmen
Baytown, Tex.

Mrs. Catherine Winkler
4660 Kenmore Ave.
Alexandria, Va. 22304

Werner F. Wolfen
Suite 900, Gateway East
Los Angeles, Calif.
or
1800 Ave. of the Stars
Los Angeles, Calif.

Louis Wolfson
Financier
(No Address)

Mrs. Dudley Wood
320 E. 72nd St.
New York, N. Y. 10021

Miss Lucia Woods
214 E. 70th
New York, N. Y. 10002

Mrs. Elizabeth G. Woodward
800 Seminole Ave.
Philadelphia, Pa.

Frederick Worden
45 Hilltop Road
Boston, Mass.

Lyn Wyman
650 Nash
Menlo Park, Calif.

George Yntema
RFD 2, Box 80A
Manchester, Conn.

Quentin D. Young, M.D.
1418 E. 55th St.
Chicago, Ill. 60615

Floyd Yudelson
9021 Melrose
Los Angeles, Calif.

Alejandro Zaffaroni
214 Polhemus Ave.
Atherton, Calif.

Meyer Zeiler, M.D.
710 North Walden Dr.
Beverly Hills, Calif.

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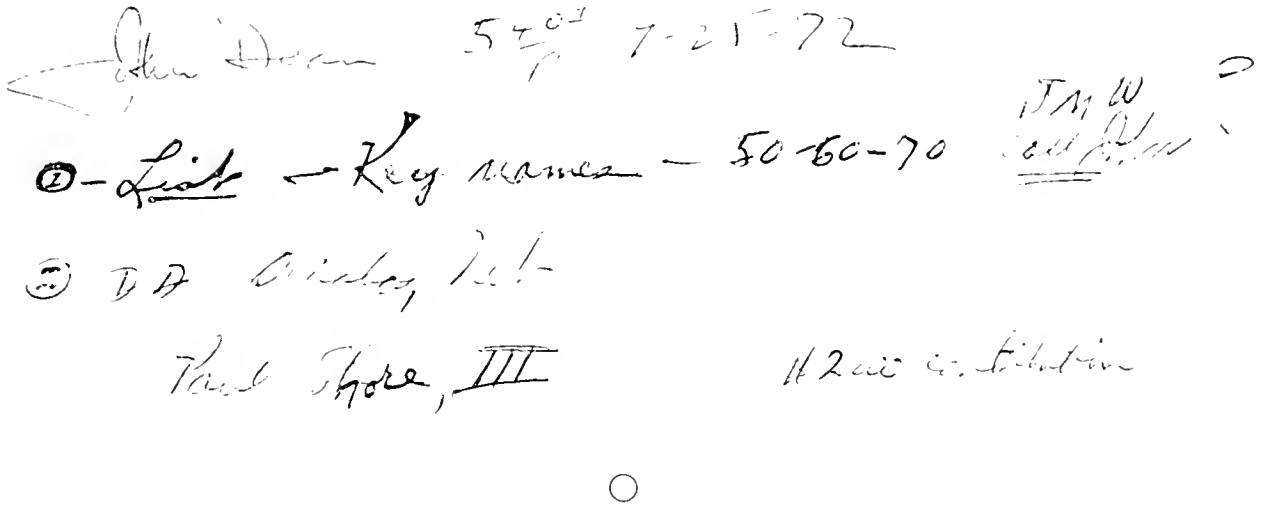

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